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The situation in Bosnia and Herzegovina

Report of the Secretary-General pursuant to General Assembly resolution 53/35

The fall of Srebrenica

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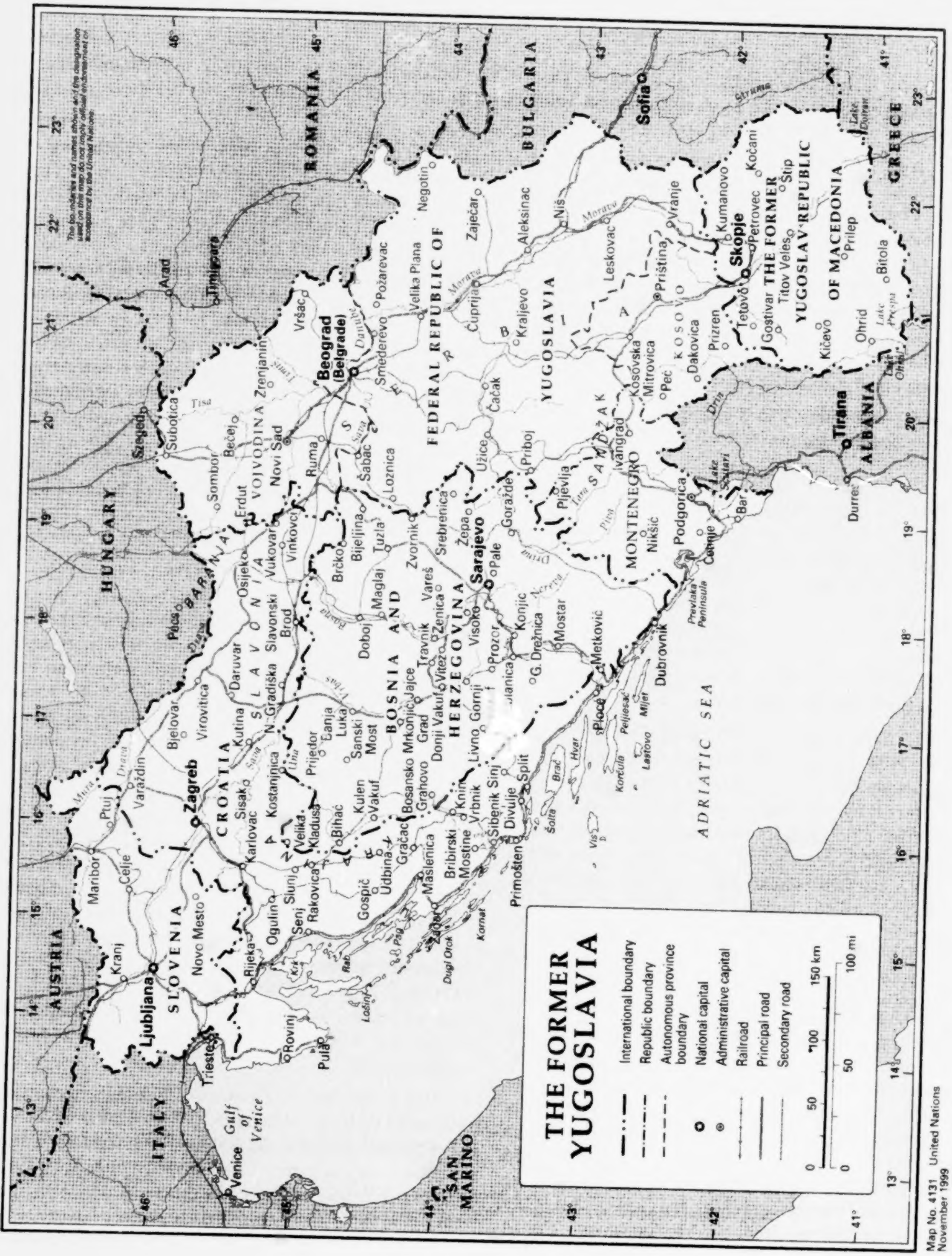
THE FORMER YUGOSLAVIA
International boundary
Republic boundary
Autonomous province boundary
National capital
Administrative capital
Railroad
Principal road
Secondary road
0 50 100 150 km
0 50 100 mi
The boundaries and names shown and the designation used on this map do not imply official endorsement or acceptance by the United Nations.
AUSTRIA
HUNGARY
ROMANIA
BULGARIA
GREECE
ALBANIA
ITALY
SAN MARINO
SLOVENIA
CROATIA
SLAVONIA
BARANJA
BOSNIA AND HERZEGOVINA
FEDERAL REPUBLIC OF YUGOSLAVIA
SERBIA
VOJVODINA
KOSOVO
SANDŽAK
MONTENEGRO
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
ADRIATIC SEA
Gulf of Venice
Ljubljana
Zagreb
Sarajevo
Beograd (Belgrade)
Skopje
Podgorica
Tirana
Sofia
Venice
Trieste
Szeged
Pécs
Timişoara
Arad
Split
Dubrovnik
Rijeka
Novi Sad
Priština
Danube
Sava
Drava
Drina
Morava
Una
Neretva

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I. Introduction

1. This report is submitted pursuant to paragraph 18 of General Assembly resolution 53/35 of 30 November 1998. In that paragraph, the General Assembly requested:

> "a comprehensive report, including an assessment, on the events dating from the establishment of the safe area of Srebrenica on 16 April 1993 under Security Council resolution 819 (1993) of 16 April 1993, which was followed by the establishment of other safe areas, until the endorsement of the Peace Agreement by the Security Council under resolution 1031 (1995) of 15 December 1995, bearing in mind the relevant decisions of the Security Council and the proceedings of the International Tribunal in this respect,"

and encourages Member States and others concerned to provide relevant information.

* * *

2. On 16 November 1995, the International Tribunal for the Former Yugoslavia indicted Radovan Karadžić ("President of the Republika Srpska") and Ratko Mladić (Commander of the Bosnian Serb Army) for their alleged direct responsibility for the atrocities committed in July 1995 against the Bosnian Muslim population of the United Nations-designated safe area of Srebrenica. After a review of the evidence submitted by the Prosecutor, Judge Riad confirmed the indictment, stating that:

> "After Srebrenica fell to besieging Serbian forces in July 1995, a truly terrible massacre of the Muslim population appears to have taken place. The evidence tendered by the Prosecutor describes scenes of unimaginable savagery: thousands of men executed and buried in mass graves, hundreds of men buried alive, men and women mutilated and slaughtered, children killed before their mothers' eyes, a grandfather forced to eat the liver of his own grandson. These are truly scenes from hell, written on the darkest pages of human history."[1]

3. The United Nations had a mandate to "deter attacks" on Srebrenica and five other "safe areas" in Bosnia and Herzegovina. Despite that mandate, up to 20,000 people, overwhelmingly from the Bosnian Muslim community, were killed in and around the safe areas. In addition, a majority of the 117 members of the United Nations Protection Force (UNPROFOR) who lost their lives in Bosnia and Herzegovina died in or around the safe areas. In requesting the submission of the present report, the General Assembly has afforded me the opportunity to explain why the United Nations failed to deter the Serb attack on Srebrenica and the appalling events that followed.

4. In my effort to get closer to the truth, I have returned to the origins of the safe area policy, discussing the evolution of that policy over a period of several years. I have drawn the attention of the reader to the resolutions of the Security Council and to the resources made available to implement those resolutions; I have reviewed how the policy was implemented on the ground, as well as the attacks that took place on other safe areas: Sarajevo, Goražde, Bihać. I have reviewed the debate that took place within the international community on the use of force and, in particular, on the use of air power by the North Atlantic Treaty Organization (NATO). I have also reviewed the role of UNPROFOR in the fall of Srebrenica, and in the almost-forgotten case of Žepa. Finally, I recall how, having failed to act decisively during all of these events, the international community found a new will after the fall of Srebrenica and how, after the last Serb attack on the safe area of Sarajevo, a concerted military operation was launched to ensure that no such attacks would take place again.

5. In reviewing these events, I have in no way sought to deflect criticism directed at the United Nations Secretariat. Having served as Under-Secretary-General for Peacekeeping Operations during much of the period under review, I am fully cognizant of the mandate entrusted to the United Nations and only too painfully aware of the Organization's failures in implementing that mandate. Rather, my purpose in going over the background of the failure of the safe area policy has been to illuminate the process by which the United Nations found itself, in July 1995, confronted with these shocking events. There is an issue of responsibility, and we in the United Nations share in that responsibility, as the assessment at the end of this report records. Equally important, there are lessons to be drawn by all of those involved in the formulation and implementation of international responses to events such as the war in Bosnia and Herzegovina. There are lessons for the Secretariat, and there are lessons for the Member States that shaped the international response to the collapse of the former Yugoslavia.

6. Before beginning the account of the events in question, it is important to recall that much of the history of the war in Bosnia and Herzegovina will not be touched upon at all in the body of this report. The war began on 6 April 1992. Most of the territory captured by the Serbs was secured by them within the first 60 days of the war, before UNPROFOR

had any significant presence in Bosnia and Herzegovina. During those 60 days, approximately 1 million people were displaced from their homes. Several tens of thousands of people, most of them Bosnian Muslims, were killed. The accompanying scenes of barbarity were, in general, not witnessed by UNPROFOR or by other representatives of the international community, and do not form a part of this report. In addition, the war in Bosnia and Herzegovina included nine months of open warfare between the mainly Muslim forces of the Bosnian Government and the mainly Croat forces of the Croatian Defence Council. This fighting, although important to understanding the conflict in Bosnia and Herzegovina, did not generally involve the safe areas that are the central focus of this report. The record of that conflict, therefore, does not appear in this document.

7. At the outset, I wish to point out that certain sections of this report may bear similarity to accounts of the fall of Srebrenica that have already appeared in a number of incisive books, journal articles, and press reports on the subject. Those secondary accounts were not used as a source of information for this report. The questions and account of events which they present, however, were independently revisited and examined from the United Nations perspective. I hope that the confirmation or clarification of those accounts contributes to the historical record on this subject. I also wish to point out that I have not been able to answer all the hitherto unanswered questions about the fall of Srebrenica, despite a sincere effort to do so.

8. This report has been prepared on the basis of archival research within the United Nations system, as well as on the basis of interviews with individuals who, in one capacity or another, participated in or had knowledge of the events in question. In the interest of gaining a clearer understanding of these events, I have taken the exceptional step of entering into the public record information from the classified files of the United Nations. In addition, I would like to record my thanks to those Member States, organizations and individuals who provided information for this report. A list of persons interviewed in this connection is attached as annex 1. While that list is fairly extensive, time, as well as budgetary and other constraints, precluded interviewing many other individuals who would be in a position to offer important perspectives on the subject at hand. In most cases, the interviews were conducted on a non-attribution basis to encourage as candid a disclosure as possible. I have also honoured the request of those individuals who provided information for this report on the condition that they not be identified.

9. All of these exceptional measures that I have taken in preparing this report reflect the importance which I attach to shedding light on what Judge Riad described as the "darkest pages of human history".

II. Background

A. Break-up of the Socialist Federal Republic of Yugoslavia and the establishment of the United Nations Protection Force

10. The break-up of the Socialist Federal Republic of Yugoslavia accelerated in 1991, with declarations of independence by the Republics of Croatia and Slovenia on 25 June 1991. The then Secretary-General of the United Nations, Javier Pérez de Cuéllar, was generally measured in his reaction to those events, as he later expressed the concern that "early, selective recognition could widen the [ongoing] conflict and fuel an explosive situation, especially in Bosnia and Herzegovina"(S/23280, annex IV). The one principal cause for caution was an awareness that recognizing the independence of the Yugoslav republics would leave substantial communities of Serbs and others as vulnerable minorities in Croatia, the former Yugoslav Republic of Macedonia and, in particular, in Bosnia and Herzegovina. This concern was initially shared by the States members of the European Community, which established a Commission to examine whether Yugoslav republics seeking international recognition met a number of criteria, particularly regarding the constitutional protection of minorities. Later, however, these States proceeded with recognition of all three Republics despite a concern that only Slovenia and the former Yugoslav Republic of Macedonia had met the established criteria.

11. Following the declaration of independence by Slovenia, fighting broke out between Slovenian forces and the predominantly Serb forces of the Yugoslav People's Army (JNA). The fighting, however, lasted for only 10 days, with light casualties on both sides. The conflict ended with the Brioni agreement of 7 July 1991, and was followed, over the coming months, by the withdrawal of JNA forces and de facto independence for Slovenia. In Croatia, the fighting was much more serious. The declaration of independence led to an increase in the armed clashes which had been taking place for several months, pitting Croatian forces against both the JNA and Croatian Serb militias. These clashes descended into full-scale warfare in August 1991 and continued until 2 January 1992, when a ceasefire was signed in Sarajevo under the auspices of the United Nations. Shortly thereafter, the parties to the conflict in Croatia "fully and unconditionally" accepted the "concept for a United Nations peacekeeping operation in Yugoslavia" presented by the Personal Envoy of the Secretary-General, Cyrus Vance ("the Vance Plan"). At the end of this phase of the fighting in Croatia, Serb forces remained in de facto control of approximately one third of the Republic of Croatia.

12. On 25 September 1991, when the fighting in Croatia was at its height, the Security Council, by its resolution 713 (1991), decided that "all States shall, for purposes of establishing peace and stability in Yugoslavia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia until the Security Council decides otherwise". The resolution was adopted unanimously, though several observers noted at the time that the major effect of the embargo would be to freeze the military holdings of each of the parties — a move which would overwhelmingly benefit the Serbs, who were dominant both in the Yugoslav military and, to a lesser extent, in the arms industry.

13. On 15 February 1992, the then Secretary-General, Boutros Boutros-Ghali (who served in this position from 1 January 1992 to 31 December 1996), submitted a report to the Security Council proposing the establishment of a peacekeeping force to implement the Vance Plan. He made the following observation:

> "If it is only now that I am proposing such a force, it [is] because of the complexities and dangers of the Yugoslav situation and the consequent need to be as sure as possible that a United Nations force would succeed in consolidating the ceasefire and thus facilitate the negotiation of an overall political settlement. As has been repeatedly stated, this requires not only a working ceasefire but also clear and unconditional acceptance of the plan by all concerned, with equally clear assurances of their readiness to cooperate in its implementation ... I have come to the conclusion that the danger that a United Nations peace operation will fail because of lack of cooperation of the parties is less grievous than the danger that delay in its dispatch will lead to a breakdown of the ceasefire and to a new conflagration in Yugoslavia." (S/23592, para. 28)

14. The Security Council approved the Secretary-General's report and, on 21 February, decided, by resolution 743 (1992), to establish a United Nations Protection Force to assist in the implementation of the Vance Plan. UNPROFOR headquarters was established in Sarajevo on 13 March 1992. Sarajevo was seen, at that time, as a neutral location, and it was hoped that the presence of UNPROFOR in Bosnia and Herzegovina would prove a stabilizing factor amid the increasing tensions in the country. Although

resolution 743 (1992) provided for United Nations military observers to patrol certain limited areas in Bosnia and Herzegovina, this was to take place after the demilitarization of the United Nations Protected Areas in Croatia, which did not occur. Until June 1992, the Force had no other mandate in Bosnia and Herzegovina.

B. Independence of Bosnia and Herzegovina and the outbreak of war

15. The independence of the Republic of Bosnia and Herzegovina was recognized by the European Community on 6 April 1992 and by the United States of America the following day. At the same time, the sporadic fighting which had taken place in a number of areas began to intensify. This was exacerbated by the JNA withdrawal from Croatia under the terms of the Vance Plan, which had involved the relocation of substantial amounts of *matériel*, particularly heavy weapons, into Bosnia and Herzegovina. Much of this *matériel* later passed into the hands of the Bosnian Serbs.

16. The International Committee of the Red Cross (ICRC) viewed the conflict that had erupted in Bosnia and Herzegovina as having elements both of an international armed conflict (invasion of that country by the Federal Republic of Yugoslavia) and of an internal armed conflict. In its international aspect, the conflict represented a war between the JNA (later known as the Army of Yugoslavia, or VJ) on one side, against both the Army of the Republic of Bosnia and Herzegovina (ARBiH) and the Croatian Defence Council (HVO) on the other. Later in the conflict, another foreign force, the Croatian Army (HV), was also involved in the fighting. In its internal aspect, the war represented a conflict between armed forces associated with the major nationalities of Bosnia and Herzegovina.

17. Bosniacs (known until 1993 as "Muslims" or "Bosnian Muslims"), who represented 44 per cent of Bosnia and Herzegovina's population of 4.4 million, were dominant in the Army of the Republic of Bosnia and Herzegovina. The ARBiH, officially established on 15 April 1992, was made up, *ab initio*, of a number of elements: territorial defence units, police forces, paramilitary forces and criminal elements. It enjoyed an advantage in manpower over the other forces in the conflict, but was poorly equipped and largely untrained. Prior to April 1993, when fighting broke out between Bosniacs and Croats, the ARBiH was able to secure a limited amount of military *matériel* from foreign supporters via Croatia. The Croats, who constituted 17 per cent of the population, were dominant in the HVO. This force also brought together territorial defence units, police forces, paramilitaries and certain prominent criminals. Unlike the ARBiH, however, the HVO enjoyed the backing of the Republic of Croatia, which provided a broad range of support.

18. Ranged against these forces were the rump JNA (the regular army of the Socialist Federal Republic of Yugoslavia), the "Army of Republika Srpska", known to the international community as the Bosnian Serb Army (BSA), and their paramilitary associates. All of these forces were dominated by Serbs, who constituted 31 per cent of the population of Bosnia and Herzegovina. The JNA officially withdrew from Bosnia and Herzegovina to the Federal Republic of Yugoslavia under international pressure on 10 May 1992. In fact, however, the withdrawal was largely cosmetic since the JNA "left behind" those units whose members were nationals of Bosnia and Herzegovina. General Mladić, Commander of JNA forces in Bosnia and Herzegovina, was restyled Commander of the BSA. Throughout the war that was to follow, the BSA remained closely associated with the JNA/VJ and with the Federal Republic of Yugoslavia, on which the BSA relied for *matériel*, intelligence, funds and other forms of support. The Serb paramilitary groups, which included a substantial criminal element, often operated in close cooperation with the regular armies of Yugoslavia and the Bosnian Serbs.

19. The conflict between these forces differed from conventional warfare in important ways. First, much of the fighting was local, involving regular and irregular fighters operating close to their homes. Second, a central objective of the conflict was the use of military means to terrorize civilian populations, often with the goal of forcing their flight in a process that came to be known as "ethnic cleansing". Third, although several hundred thousand men were engaged for three and a half years, and although several tens of thousands of combatants were killed, the conflict was more often one of attrition, terror, gangsterism and negotiation than it was of high-intensity warfare.

C. Humanitarian activities

20. The Office of the United Nations High Commissioner for Refugees (UNHCR) was the lead agency for international humanitarian activities in Bosnia and Herzegovina, establishing a significant presence in the country almost as soon as the conflict erupted. UNHCR convoys distributed food aid, shelter materials and "winterization" supplies, seeds, clothing and other humanitarian goods to the authorities of all three communities. The local authorities then distributed those goods to the local populations

(inevitably diverting a certain amount to the various military forces and to the black market).

21. From the outset, the Serbs restricted the flow of humanitarian aid to Srebrenica and to other isolated Bosniac communities. Humanitarian convoys were subjected to onerous clearance procedures and to other forms of harassment and obstruction. The Serbs did not, apparently, intend to starve the Bosniac enclaves altogether, but rather to reduce them to conditions of extreme privation. From this regime of privation the Serbs consolidated their control over the enclaves. They (and some counterparts in the other communities) also derived economic advantage from this system by initiating black market trade with the surrounded Bosniacs.

22. UNHCR delivered an average of approximately 750 tons of humanitarian aid per day to Bosnia and Herzegovina for the duration of the war, but much of this went to areas to which the Serbs did not control access. In the Bosniac enclaves, UNHCR was rarely able to meet the needs of the population. Even when basic food supplies could be delivered to those places, other items required to support the humanitarian needs of the population, including medical equipment and emergency shelter materials, were often blocked altogether. Although starvation was almost unknown in the war in Bosnia and Herzegovina, the Bosniac enclaves did endure sustained periods of material deprivation and psychological suffering.

23. In July 1992, UNHCR, building on the airport agreement brokered by UNPROFOR on 5 June (see para. 27 below), began a humanitarian airlift to Sarajevo. The Serbs, however, controlled the use of Sarajevo airport, and thus the restrictions which applied to road convoys also applied, in considerable measure, to the Sarajevo airlift. In February 1993 the relief supplies brought by UNHCR road convoys and airlift began to be supplemented by a programme of air drops. French, German and United States transport aircraft flew 2,735 sorties, dropping humanitarian aid to Bihać, Goražde, Srebrenica, Žepa and other isolated areas to which convoy access was restricted. Threats to the security of the aircraft ended the programme in August 1994, by which time almost 18,000 tons of aid had been delivered in this way, providing a degree of relief to the most vulnerable communities.

D. Proposals for a peacekeeping mission in Bosnia and Herzegovina

24. When fighting broke out in Bosnia and Herzegovina, the Security Council requested the Secretary-General to explore the feasibility of a United Nations peacekeeping operation in Bosnia and Herzegovina. The Secretary-General accordingly dispatched to the region his then Under-Secretary-General for Peacekeeping Operations, Marrack Goulding, who remained in the region from 4 to 10 May 1992. Referring to the situation in Sarajevo after Mr. Goulding's visit, the Secretary-General reported to the Council, on 12 May 1992, as follows:

> "The city suffers regular heavy shelling and sniper fire nightly, and intermittent shelling at other times, often on a random basis, from Serb irregulars in the surrounding hills, who use mortars and light artillery allegedly made available to them by JNA .... Even on a day when the shelling is light there is no public transport, few people go to work and the streets are largely deserted. The city's civilian airport is closed. Economic life is at a standstill and there are growing shortages of food and other essential supplies owing to the blockade imposed on the city by Serb forces .... Intense hostilities are taking place elsewhere in the Republic, notably in Mostar and the Neretva valley ...; in Bosanska Krupa ...; and in eastern Bosnia.
>
> "All international observers agree that what is happening is a concerted effort by the Serbs of Bosnia and Herzegovina, with the acquiescence of, and at least some support from, JNA, to create 'ethnically pure' regions in the context of negotiations on the 'cantonization' of the Republic .... The techniques used are the seizure of territory by military force and the intimidation of the non-Serb population. The conclusion of a ceasefire agreement between Croat and Serb leaders on 6 May 1992 has revived suspicions of a Croat-Serb carve-up of Bosnia and Herzegovina, leaving minimal territory to the Muslim community, which accounts for a plurality of the population. Further concern has been caused by the decision of the Belgrade authorities to withdraw from Bosnia and Herzegovina by 18 May all JNA personnel who are not citizens of that Republic. This will leave in Bosnia and Herzegovina, without effective political control, as many as 50,000 mostly Serb troops and their weapons. They are likely to be taken over by the Serb party.
>
> "The fighting and intimidation have led to massive displacement of civilians .... The international

> community's efforts to bring succour to these suffering people are greatly obstructed by the warring parties whose demographic objectives they may frustrate. Freedom of movement is virtually non-existent: a recent UNHCR convoy had to negotiate its way through 90 roadblocks between Zagreb and Sarajevo, many of them manned by undisciplined and drunken soldiers of undetermined political affiliation and not responsible to any identifiable central authority. Relief supplies are stolen, vehicles hijacked and international aid workers threatened and abused."(S/23900, paras. 3-6)

25. The Secretary-General noted that Mr. Goulding had consulted with representatives of the different communities and found that President Alija Izetbegović and Fikret Abdić (both Bosnian Muslims) and Mariofil Ljubić (a Bosnian Croat) had supported an immediate United Nations intervention. President Izetbegović had supported a peace-enforcement operation, to "restore order". Mr. Goulding had also met with Radovan Karadžić and other Serb leaders, who saw no role for a United Nations peacekeeping force at the time, though he and President Franjo Tudjman of Croatia had not excluded "a possible role for United Nations peacekeepers in helping to implement the constitutional agreement which [was] expected to emerge" from the peace process sponsored by the European Community (S/23900, para. 17).

26. The Secretary-General concluded as follows:

> "The situation in Bosnia and Herzegovina is tragic, dangerous, violent and confused. I do not believe that in its present phase this conflict is susceptible to the United Nations peacekeeping treatment. Any successful peacekeeping operation has to be based on some agreement between the hostile parties. Such an agreement can range from a simple ceasefire to a comprehensive settlement of their dispute. Without an agreement of some sort, a workable mandate cannot be defined and peacekeeping is impossible ....
>
> "It also has to be observed that a successful peacekeeping operation requires the parties to respect the United Nations, its personnel and its mandate. One of the more distressing features of the current situation in Bosnia and Herzegovina is that, for all their fair words, none of the parties there can claim to satisfy that condition .... These are not the conditions which permit a United Nations peacekeeping operation to make an effective contribution." (S/23900, paras. 25-26)

27. The Security Council then asked the Secretary-General to take on some limited functions in the Sarajevo area. In resolution 757 (1992) of 30 May 1992, by which it also imposed sweeping economic sanctions on the Federal Republic of Yugoslavia, the Council requested the Secretary-General to continue to use his good offices in order to achieve the conditions for unimpeded delivery of humanitarian supplies to Sarajevo and elsewhere, including the establishment of a security zone encompassing Sarajevo and its airport. The Secretary-General reported to the Security Council on 6 June that UNPROFOR had negotiated an agreement, the previous day, on the reopening of Sarajevo airport for humanitarian purposes. Under the terms of the agreement, UNPROFOR was asked to take on full operational responsibility for the functioning and security of Sarajevo airport. The Secretary-General expressed the view that the agreement represented a "significant breakthrough" in the tragic conflict in Bosnia and Herzegovina, although it was only a first step, and added:

> "It is my view that the opportunity afforded by the willingness of the parties to conclude the present agreement should be seized .... Given that heavy weapons will remain in the hills overlooking Sarajevo and its airport, albeit supervised by UNPROFOR, the viability of the agreement will depend on the good faith of the parties, and especially the Bosnian Serb party, in scrupulously honouring their commitments ....
>
> "I accordingly recommend to the Security Council that it take the necessary decision to enlarge the mandate and strength of UNPROFOR, as proposed in the present report. It is to be hoped that this will be the first stage of a process that will restore peace to the long-suffering Republic of Bosnia and Herzegovina." (S/24075, paras. 11 and 13)

28. The Secretary-General proposed the immediate deployment of United Nations military observers to the airport, to be followed by an UNPROFOR infantry battalion. This was approved by the Security Council in its resolution 758 (1992) of 8 June, marking the formal beginning of the UNPROFOR mandate in Bosnia and Herzegovina.

E. The peace process

29. For much of the war in the former Yugoslavia the effort to negotiate a political settlement to the conflict was conducted under the auspices of the International Conference on the Former Yugoslavia, established by the Conference on the Former Socialist Federal Republic of Yugoslavia, held in London on 26 and 27 August 1992 (hereinafter

referred to as the "London Conference"). The Secretary-General, in November 1992, described the International Conference as:

> "an innovative enterprise combining the efforts of the United Nations and the European Community (EC), as well as other international organizations such as the Conference on Security and Cooperation in Europe (CSCE) and the Organization of the Islamic Conference (OIC) .... [It] combines active preventive diplomacy, peacemaking, peacekeeping, and also has a potential peace enforcement component." (S/24795, para. 1)

The Steering Committee of the International Conference on the Former Yugoslavia was initially chaired jointly by Cyrus Vance, representing the Secretary-General of the United Nations, and David Lord Owen, representing the Presidency of the European Community.

30. Building on the Statement of Principles adopted by the London Conference, the International Conference developed the basis for a political settlement to the conflict:

> "The population of Bosnia and Herzegovina is inextricably intermingled. Thus there appears to be no viable way to create three territorially distinct States based on ethnic or confessional principles. Any plan to do so would involve incorporating a very large number of the members of the other ethnic/confessional groups, or consist of a number of separate enclaves of each ethnic/confessional group. Such a plan could achieve homogeneity and coherent boundaries only by a process of enforced population transfer — which has already been condemned .... Consequently, the Co-Chairmen have deemed it necessary to reject any model based on three separate, ethnic/confederally based States. Furthermore, a confederation formed of three such States would be inherently unstable, for at least two would surely forge immediate and stronger connections with neighbouring States ....
>
> "The Co-Chairmen also recognized ... that a centralized state would not be accepted by at least two of the principal ethnic/confessional groups in Bosnia and Herzegovina, since it would not protect their interests in the wake of the bloody strife that now sunders the country.
>
> "Consequently, the Co-Chairmen believe that the only viable and stable solution that does not acquiesce in already accomplished ethnic cleansing, and in further internationally unacceptable practices, appears to be the establishment of a decentralized state."(S/24795, paras. 36-38)

31. The Co-Chairmen unveiled their draft plan to end the conflict, which became known as the Vance-Owen Peace Plan, on 2 January 1993. That plan consisted of three parts: a set of constitutional principles which would have established a decentralized state of Bosnia and Herzegovina; military provisions, which provided for a ceasefire and the eventual demilitarization of the whole country; and a map delineating 10 provinces. (See the map at the end of this chapter.) The 10 provinces were drawn largely to reflect the areas in which the three communities had lived before the war, thus substantially reversing the process of "ethnic cleansing". Each community would have constituted a majority in three provinces, with Sarajevo, the tenth province, having no majority. None of the communities would have had a compact territory, and the Serbs would have been divided into five unconnected areas, effectively ending their hopes of seceding from Bosnia and Herzegovina. The objections of Serb leaders were reportedly focused on Province 5, which would have had a Bosniac majority. That province included not only Srebrenica and Žepa but also most of the areas of eastern Bosnia recently "ethnically cleansed" by the JNA, the BSA and their paramilitary associates. When the Vance-Owen Peace Plan was presented, the BSA was in control of roughly 70 per cent of the country. The land area of the provinces with Serb majorities proposed under the Peace Plan would have represented 43 per cent of the territory of Bosnia and Herzegovina, requiring the Serbs to withdraw from over one third of the land they then held. This plan was strongly criticized by the United States and therefore never explicitly endorsed by the Security Council, which gave guarded encouragement to the "Vance-Owen peace process" instead.

32. Representatives of the Croat community accepted the Vance-Owen Peace Plan immediately. However, representatives of the other two communities were not satisfied, and some negotiated adjustments were made over the following months. Representatives of the three communities met at United Nations Headquarters in New York from 16 to 25 March 1993, just as the first crisis in Srebrenica was coming to a head. The Bosniac and Croat representatives signed the modified version of the plan on 25 March. The Serb representatives did not sign. Following concerted international pressure on President Milošević of Serbia, Mr. Karadžić was induced to sign on behalf of the Bosnian Serbs at a meeting held in Athens on 2 May. Mr. Karadžić's signature, however, was affixed subject to approval by the "National Assembly of Republika Srpska",

which, at a session held at Pale on 5 and 6 May 1993, rejected the Plan.

F. Srebrenica prior to the safe area resolutions

33. Srebrenica lies in a mountain valley in eastern Bosnia, close to the border with Serbia. At the time of the 1991 census, the municipality had a population of 37,000, of which 73 per cent were Bosniacs and 25 per cent were Serbs. Despite the preponderance of Bosniacs in the pre-war population, Serb paramilitaries from Srebrenica, and from other parts of eastern Bosnia, held Srebrenica for several weeks at the beginning of the conflict in Bosnia and Herzegovina. During this period, Bosniacs from the general area of Srebrenica were not only expelled from their homes in many areas, but were also subjected to still more serious abuses. In Bratunac, a Bosniac-majority town some 10 km north of Srebrenica, for example, several hundred Bosniacs were detained in a local school, where a large number, including a local *imam*, were subjected to inhumane treatment and killed. Armed Bosniacs fled to the surrounding hills during this period.

34. By 6 May 1992 those Bosniacs had regrouped and begun to contest Serb control of Srebrenica. Goran Zekić, a leader of the Serb community in Srebrenica, was killed in an ambush on 8 May, and soon thereafter Serbs began to flee the town or were driven out. The town was secured by the Bosniacs on 9 May. The Bosniac forces which took control of Srebrenica comprised several groups of fighters without any definite military structure. The most powerful of these groups was that under the command of Naser Orić of Potočari. Other groups continued to operate with a degree of independence, however, and violent rivalry between different factions within the Bosniac community became a feature of Srebrenica life until its fall in 1995.

35. The Bosniac enclave which centred on Srebrenica was then expanded under Orić's leadership over a period of several months into the surrounding areas. For the most part, the fighting that took place during this period was not regular warfare, but rather a series of raids and counter-raids by armed groups of one or the other community. As the Bosniacs advanced, they used techniques of ethnic cleansing similar to those used by the Serbs in other areas, burning houses and terrorizing the civilian population. Serb sources claim that over 1,300 people were killed by Bosniac fighters as they expanded out of Srebrenica, with much larger numbers being displaced from their homes. Serb sources and international human rights observers have reported incidents in which Serbs were apparently tortured and mutilated.[2] At the same time, much larger numbers of Bosniacs were suffering similar fates in areas which remained under Serb control.

36. Bosniac forces from Srebrenica linked up with those of Žepa, a small Bosniac-held village in the densely wooded area to the south of Srebrenica, in September 1992. The Srebrenica enclave reached its greatest extent in January 1993, when it was joined to the nearby Bosniac enclave of Cerska, to the west of Srebrenica. At its greatest extent the Srebrenica enclave covered almost 900 km^2 of territory in eastern Bosnia. Despite this expansion, the enclave was never joined to the main body of Government-held territory further west, leaving it vulnerable to isolation and attack by Serb forces.[3]

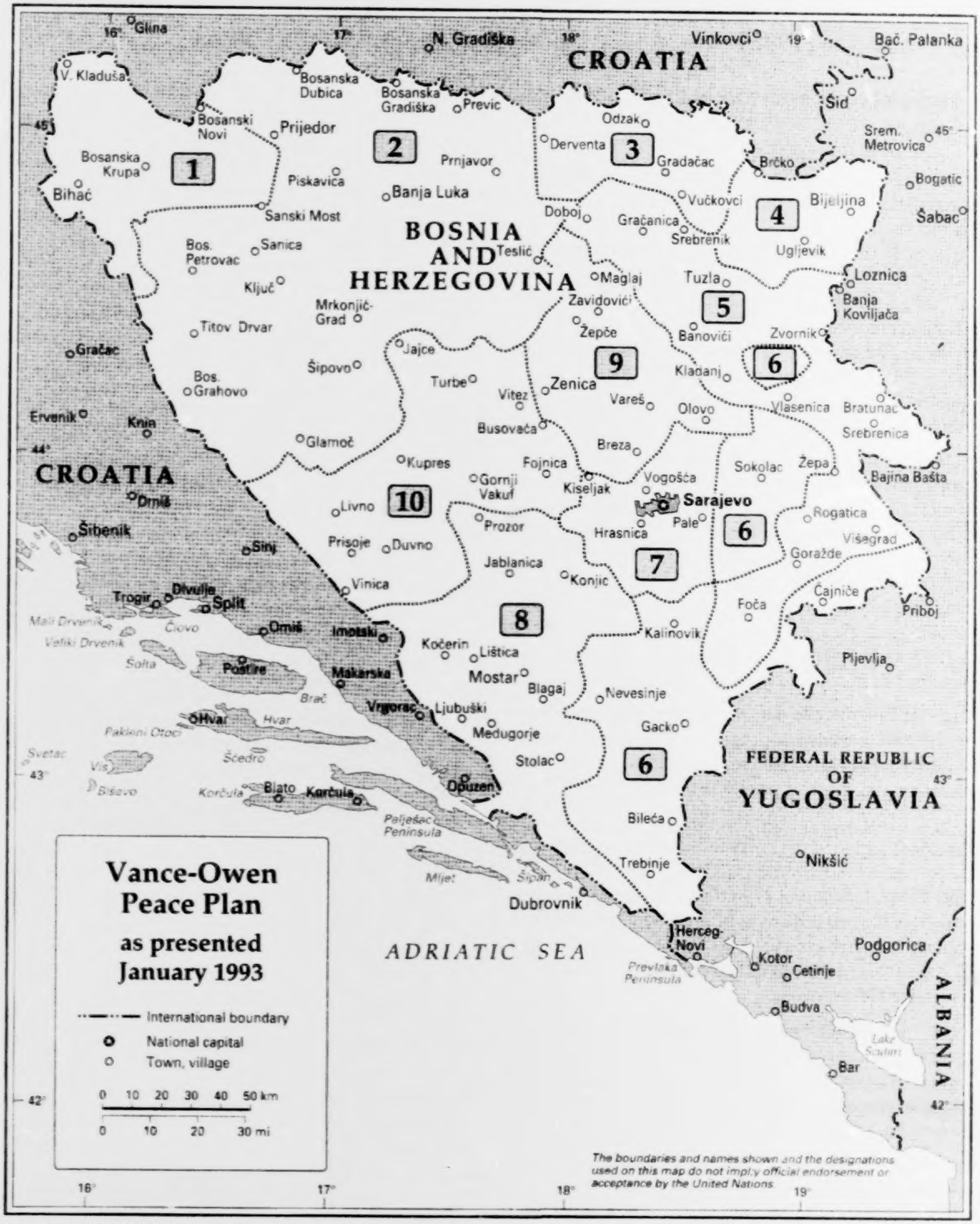
37. Bosniac forces attacked out of the enclave against the Serb-inhabited village of Kravica on 7 January 1993. Serb sources claimed that over 40 Serb civilians were killed in the attack. Soon after the attack on Kravica, Serb forces began to prepare a counter-offensive. By March 1993, Serb forces were advancing rapidly, killing and burning as they did so. The villages of Konjević Polje and Cerska were soon overrun, and ultimately the population of those villages, together with the remaining pre-war inhabitants of Srebrenica, numbering 50,000 to 60,000 in total, was compressed into a mountainous area of approximately 150 km^2 centred on the town of Srebrenica. During the same offensive Žepa was separated from Srebrenica by a narrow corridor of Serb-held land, becoming an isolated enclave of its own. Žepa remained isolated until it was overrun by the Serbs after the fall of Srebrenica in July 1995.

38. A number of people, Bosniacs and foreign journalists alike, carried news of the desperate situation in Srebrenica to Sarajevo and the outside world, prompting the Commander of UNPROFOR forces in Bosnia and Herzegovina to travel there with a small UNPROFOR party on 11 March 1993. By the time he arrived in Srebrenica, the town was already enduring siege conditions. There was almost no running water, the Serbs having destroyed the town's water supply as they advanced. Likewise, there was no electricity, other than that produced by a number of hand-crafted water wheels. Overcrowding was a major problem, with schools, office buildings and all other structures having been emptied to make way for successive waves of displaced persons fleeing before the Serb advance. There was no starvation, but food was in short supply and public hygiene was rapidly deteriorating. An atmosphere of panic was endemic. The UNPROFOR Commander was initially prevented by the local inhabitants from leaving, but was allowed to do so on 13 March. Prior to departing, he

addressed a public gathering in Srebrenica, telling them that they were under United Nations protection and that he would not abandon them.[4]

39. During the weeks that followed, UNHCR succeeded in bringing a number of humanitarian aid convoys into Srebrenica and in evacuating large numbers of vulnerable people to the relative safety of the Government-held city of Tuzla. These evacuations were, in general, opposed, sometimes forcibly, by the Bosnian Government authorities in Sarajevo who felt that they contributed to the "ethnic cleansing" of the territory. The evacuations were supported by the Bosnian Serbs, who were willing to allow UNHCR to send empty trucks to Srebrenica to collect evacuees, but who were reluctant to allow humanitarian aid into the enclave. The Special Envoy of the United Nations High Commissioner for Refugees stated that he supported the evacuations as a measure of last resort to save lives.

40. The first UNHCR convoy entered the town on 19 March 1993, just as Bosniac, Croat and Serb leaders were meeting in New York to discuss the Vance-Owen Peace Plan, and returned to Tuzla the next day with over 600 Bosniac civilians. A second convoy reached Srebrenica on 28 March. Six people died as an estimated 1,600 people scrambled on to the trucks as they prepared to return to Tuzla on 29 March; seven more died in the overcrowded vehicles as they made their way to Tuzla. A similar scene of mass panic and death occurred following the arrival in Srebrenica of a third UNHCR convoy on 31 March. Nearly 3,000 women and children, as well as old men, were evacuated in 14 trucks, with six deaths caused either by overcrowding or by exposure to the elements. On 2 April, the Bosniac authorities in Srebrenica announced that no more evacuations would be permitted. Despite objection and obstruction by the authorities, some further UNHCR evacuations did take place, albeit on a restricted scale. On 8 April, two days after the Serbs had cut the main fresh water supply to Srebrenica, approximately 2,100 people defied the local authorities, forcing their way on to 14 trucks. On 13 April, a further 800 people were evacuated. By the time the evacuations stopped altogether, at the end of April 1993, some 8,000 to 9,000 people had been transported to safety in Tuzla. Interviewed in connection with this report, President Izetbegović stated that, with the benefit of hindsight, the policy of his Government to restrict evacuations from the Srebrenica enclave had been mistaken.


CROATIA
BOSNIA AND HERZEGOVINA
FEDERAL REPUBLIC OF YUGOSLAVIA
ALBANIA
ADRIATIC SEA
1
2
3
4
5
6
7
8
9
10
Glina
N. Gradiška
Vinkovci
Bač. Palanka
V. Kladuša
Bosanska Dubica
Bosanska Gradiška
Previc
Odzak
Šid
Bosanski Novi
Prijedor
Derventa
Gradačac
Brčko
Srem. Metrovica
Bosanska Krupa
Bihać
Piskavica
Prnjavor
Banja Luka
Vučkovci
Bijeljina
Bogatić
Šabac
Sanski Most
Doboj
Gračanica
Srebrenik
Ugljevik
Bos. Petrovac
Sanica
Teslić
Ključ
Maglaj
Tuzla
Loznica
Banja Koviljača
Mrkonjić-Grad
Zavidovići
Titov Drvar
Žepče
Banovići
Zvornik
Gračac
Jajce
Šipovo
Turbe
Vitez
Zenica
Kladanj
Bos. Grahovo
Vareš
Olovo
Vlasenica
Bratunac
Ervenik
Knin
Busovača
Srebrenica
Glamoč
Breza
Kupres
Fojnica
Sokolac
Žepa
Bajina Bašta
Gornji Vakuf
Kiseljak
Vogošća
Omiš
Šibenik
Livno
Sarajevo
Prozor
Pale
Rogatica
Hrasnica
Višegrad
Sinj
Prisoje
Duvno
Goražde
Jablanica
Konjic
Vinica
Čajniče
Trogir
Divulje
Split
Priboj
Foča
Mali Drvenik
Čiovo
Veliki Drvenik
Imotski
Kalinovik
Kočerin
Lištica
Šolta
Postire
Makarska
Pljevlja
Mostar
Blagaj
Brač
Nevesinje
Vrgorac
Ljubuški
Hvar
Pakleni Otoci
Međugorje
Gacko
Svetac
Šćedro
Stolac
Vis
Biševo
Korčula
Blato
Opuzen
Paljesac Peninsula
Bileća
Nikšić
Mljet
Šipan
Trebinje
Dubrovnik
Herceg-Novi
Kotor
Podgorica
Cetinje
Prevlaka Peninsula
Budva
Lake Scutari
Bar
16°
17°
18°
19°
45°
44°
43°
42°
International boundary
National capital
Town, village
0 10 20 30 40 50 km
0 10 20 30 mi

Vance-Owen Peace Plan

as presented
January 1993

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map No. 4129 UNITED NATIONS
November 1999

Department of Public Information
Cartographic Section

III. Adoption of Security Council resolutions 819 (1993), 824 (1993) and 836 (1993)

A. Minimal consensus within the Security Council

41. As the situation in Bosnia and Herzegovina deteriorated, the activity of the Security Council increased. During the 18-month period from the opening of full-scale hostilities in Bosnia and Herzegovina on 6 April 1992 to 5 October 1993, 47 Security Council resolutions were adopted and 42 statements of the President of the Council were issued on matters relating to the conflict in the former Yugoslavia. The majority of them dealt directly with the conflict in Bosnia and Herzegovina. To this date, no issue in the history of the Security Council has engendered more resolutions and statements over a comparable period.

42. Despite this unprecedented flow of resolutions and statements, however, consensus within the Security Council was limited. There was general agreement on the need for action, but less agreement as to what action was appropriate. The Secretary-General understood that the Council was able to reach consensus on three broad areas, namely, the need to alleviate the consequences of the war; the need to contain the conflict; and the need to promote the prospects for a negotiated peace settlement. Until that time, the following measures had been taken to address these three needs:

(a) Efforts to alleviate the human suffering caused by the conflict included a progressive expansion of the UNPROFOR mandate to support the delivery of humanitarian assistance to people in need, by land and air;

(b) Efforts to contain the conflict and mitigate its consequences included the imposition of an arms embargo on all parties to the conflict in the former Yugoslavia. (Security Council resolution 713 (1991), imposing the arms embargo, was adopted unanimously on 25 September 1991.) This policy was later expanded, by Council resolution 781 (1992), to include a ban on military flights in the airspace of Bosnia and Herzegovina;

(c) Efforts to promote the prospects for a negotiated peace settlement included the negotiation of local ceasefires and other arrangements to stabilize the situation on the ground while peace talks continued under the auspices of the International Conference on the Former Yugoslavia.

43. Relatively early in the conflict, a discernible pattern of decision-making emerged in the Security Council. Those countries which opposed lifting the arms embargo committed increasing numbers of troops to UNPROFOR, but resisted efforts to expand the UNPROFOR mandate in such a way as to bring the Force into direct military confrontation with the Bosnian Serbs. Those countries which favoured more robust action, but which did not have troops on the ground, sought progressively to expand the UNPROFOR mandate and to use the Force directly to confront the Serbs. The result was the deployment by France, the United Kingdom of Great Britain and Northern Ireland and others of forces which were largely configured and equipped for traditional peacekeeping duties rather than enforcement action. At the same time, in an effort to find some consensus in the Council, resolutions were adopted in which some of the more robust language favoured by non-troop-contributing nations was accommodated. Chapter VII of the Charter was invoked with increasing frequency, though often without specifying what that implied in terms of UNPROFOR operations. In this way, the efforts of Member States to find compromise between divergent positions led to the UNPROFOR mandate becoming rhetorically more robust than the Force itself. During the 18-month period of maximum Security Council activity on this issue, Bosnian Serb forces operated almost unchecked; by the time the confrontation line stabilized, in mid-1993, approximately 2 million people, or one half of the total population of Bosnia and Herzegovina, had fled their homes or been expelled.

44. Yasushi Akashi, who was appointed Special Representative of the Secretary-General in January 1994, later wrote:

> "With a consensus absent in the Council, lacking a strategy, and burdened by an unclear mandate, UNPROFOR was forced to chart its own course. There was only limited support for a 'robust' enforcement policy by UNPROFOR. UNPROFOR thus chose to pursue a policy of relatively passive enforcement, the lowest common denominator on which all Council members more or less agreed."[5]

B. The concept of safe areas

45. One of the proposals which emerged during this search for compromise within the Security Council was to establish "security zones", "safe havens" and "protected areas" for the Bosniac population. In his remarks to the London Conference of 26 and 27 August 1992, the President of the International Committee of the Red Cross, Cornelio

Sommaruga, stated that the international community had a vital role to play. "Forced transfers, harassment, arrests and killings must cease at once", he stated. He added that a haven would have to be found for some 10,000 detainees already visited by ICRC in northern and eastern Bosnia. He then asked delegates whether or not they would consider establishing "protected zones" as one of several options for addressing the humanitarian crisis in Bosnia and Herzegovina. In October 1992 ICRC issued a paper in which it stated: "The present situation calls for the creation of zones ... which need international protection". ICRC spoke of the need to protect threatened communities in their places of residence. "For this protection to be effective, the parties to the conflict must facilitate the deployment of UNPROFOR contingents, and the United Nations forces' mandate must be expanded."[6]

46. Some representatives of the United Nations were also supportive at this early stage. In his report on the situation of human rights in the territory of the former Yugoslavia, dated 27 October 1992, the Special Rapporteur on human rights in the former Yugoslavia, Tadeusz Mazowiecki, concluded that "a large number of displaced persons would not have to seek refuge abroad if their security could be guaranteed and if they could be provided with both sufficient food supplies and adequate medical care. In this context the concept of security zones within the territory of Bosnia and Herzegovina should be actively pursued" (E/CN.4/1992/S-1/10, para. 25 (b)).

47. Austria, which was then serving as a non-permanent member of the Security Council, was the first Member State to pursue actively the possibility of establishing safe areas in Bosnia and Herzegovina. In general, the permanent members of the Security Council were not supportive, and the first set of discussions on this issue led only to a carefully worded paragraph in resolution 787 (1992) of 16 November 1992, inviting "the Secretary-General, in consultation with the Office of the United Nations High Commissioner for Refugees and other relevant international humanitarian agencies, to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes".

48. Almost immediately, a number of problems became apparent. First, if they were to function effectively, the safe areas would have to be established with the consent of the parties; that consent, however, might not be forthcoming. Second, the concept advanced by the humanitarian agencies was of zones occupied entirely by civilians, open to all ethnic groups and free of any military activity. Such zones would by definition have to be demilitarized, but no demilitarized zones of this nature existed in the country. Third, whether or not the safe areas were demilitarized, UNPROFOR would likely have to protect them, requiring substantial new troop contributions, which might also not be forthcoming. Fourth, the establishment of safe areas implied that other areas would not be safe, and not be protected, inviting Serb attacks on them. The co-Chairmen of the International Conference on the Former Yugoslavia, Lord Owen and Mr. Vance, began to air these problems publicly. Lord Owen stated, towards the end of November 1992, that he felt the proposals for the establishment of safe areas were "flawed in concept". Repeating a similar message the following month, Mr. Vance told the Security Council that, in his view, the establishment of safe areas would encourage further "ethnic cleansing".

49. The United Nations High Commissioner for Refugees, Sadako Ogata, expressed caution on the subject in her letter to the Secretary-General dated 17 December 1992. She supported the general principle that security should be provided *in situ*, and that peacekeepers should be deployed to provide military protection for persecuted groups. She believed, however, that the safe area concept "should only be a last option". She voiced particular concern about the possible reaction of the parties to the conflict, which were either opposed to the concept, or wanted to use it to further their own military objectives. She also noted that some capacity for enforcement action by the international community would be required, and even then "the complete preservation of security would be doubtful". She concluded by saying that "in the absence of a political settlement, protracted camp-like situations would risk being perpetuated".

50. The Secretariat agreed that, for the safe areas to be viable, the United Nations would have to exercise some political control over the local authorities, to ensure that they took no action (such as using the zones as bases from which to launch military operations) which would increase the risk of attacks against them. The Secretariat anticipated, however, that it would be very difficult to exercise such control. It also questioned whether traditional peacekeeping rules of engagement would be sufficient to discourage any violations of the safe areas.

51. The Force Commander of UNPROFOR opposed the concept of establishing safe areas other than by agreement between the belligerents. He was concerned that the nature of the safe area mandate which was being proposed would be inherently incompatible with peacekeeping. He did not oppose the principle of protecting the Bosnian Government and its armed forces against Serb attack, but opined that there could be no role for peacekeepers in such an operation. Protecting the safe areas, in his view, was a job for a combat-

capable, peace-enforcement operation. He summarized his position in a communication to the Secretariat, stating, "one cannot make war and peace at the same time".

C. Security Council resolution 819 (1993)

52. Before the Security Council had time to finalize its position on the concept of safe areas, events on the ground demanded further action. The High Commissioner for Refugees wrote to the Secretary-General on 2 April 1993 that the people of Srebrenica were convinced "that the Bosnian Serbs [would] pursue their military objective to gain control of Srebrenica" (S/25519). She noted that evacuation of non-combatants from Srebrenica was one option, and that these people were "desperate to escape to safety because they see no other prospect than death if they remain where they are". She stressed, however, that the Bosnian Government authorities were "opposed to continued evacuation of people, which they see as designed to empty the town of its women and children in order to facilitate a subsequent Serbian offensive". Under the circumstances, Mrs. Ogata concluded:

> "I believe we are faced with two options, if we are to save the lives of the people trapped in Srebrenica. The first is to immediately enhance international presence, including that of UNPROFOR, in order to turn the enclave into an area protected by the United Nations, and inject life-sustaining assistance on a scale much greater than being permitted at the moment. ... Failing that, the only other option would be to organize a large-scale evacuation of the endangered population in Srebrenica." (S/25519)

53. The Secretary-General transmitted the High Commissioner's letter to the Security Council, after which extended consultations took place among the members of the Council. Broadly, the members of the Council that were members of the Movement of Non-Aligned Countries, represented principally by Pakistan and Venezuela, proposed strong action "to reverse Serb aggression", and initially favoured two lines of approach: tightening sanctions on the Federal Republic of Yugoslavia, and lifting the arms embargo established under Council resolution 713 (1991) as it applied to the Government of Bosnia and Herzegovina. Explaining the latter proposal, the non-aligned countries argued that the embargo was hampering the right to self-defence of the Government of Bosnia and Herzegovina.

54. The non-aligned countries tabled a draft resolution to this effect, which the President of the Council decided would be put to the vote on 26 April. Events on the ground, however, were overtaking the Security Council's consultations. On 13 April 1993, Serb commanders informed the representative of UNHCR that they would enter Srebrenica within two days unless the town surrendered and its Bosniac population was evacuated.[7] On 16 April, the Secretary-General's Special Political Adviser, Chinmaya Gharekhan (who represented the Secretary-General in the Security Council), informed the Council that he had been in contact with the Force Commander of UNPROFOR and that United Nations military observers stationed in Srebrenica had reported that the town had not yet fallen, but that the authorities there had offered to surrender on three conditions, namely, that the wounded soldiers be airlifted out; that all civilians be evacuated; and that safe passage be guaranteed to all military personnel, who would walk to Tuzla.

55. There was considerable confusion in the Security Council, with the representative of one Member State indicating that he had heard from national sources that Srebrenica had already fallen. After extended debate, the Council on 16 April adopted a draft resolution tabled by the non-aligned members, as resolution 819 (1993) in which it demanded that "all parties and others treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act". It also demanded "the immediate cessation of armed attacks by Bosnian Serb paramilitary units against Srebrenica and their immediate withdrawal from the areas surrounding Srebrenica", and further demanded that "the Federal Republic of Yugoslavia immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina". However, no specific restrictions were put on the activities of the Army of the Republic of Bosnia and Herzegovina. Upon learning of the resolution, UNPROFOR expressed concern to the Secretariat that the regime could not be implemented without the consent of both parties which, given Serb dominance, would certainly require Bosnian Government forces to lay down their weapons.

56. The Security Council, although acting under Chapter VII of the Charter, had provided no resources or mandate for UNPROFOR to impose its demands on the parties. Rather, it requested the Secretary-General, "with a view to monitoring the humanitarian situation in the safe area, to take immediate steps to increase the presence of the United Nations Protection Force in Srebrenica and its surroundings".

57. Thus, the Security Council appeared to rule out Mrs. Ogata's evacuation option, and instead condemned and rejected "the deliberate actions of the Bosnian Serb party to

force the evacuation of the civilian population from Srebrenica and its surrounding areas as well as from other parts of Bosnia and Herzegovina as part of its overall abhorrent campaign of 'ethnic cleansing'".

58. Following the adoption of resolution 819 (1993), and on the basis of consultations with members of the Council, the Secretariat informed the UNPROFOR Force Commander that, in its view, the resolution, calling as it did for the parties to take certain actions, created no military obligations for UNPROFOR to establish or protect such a safe area.

D. Srebrenica demilitarization agreement of 18 April 1993

59. While the Security Council was speaking out strongly against the actions of the Bosnian Serbs, UNPROFOR was confronted with the reality that the Serbs were in a position of complete military dominance around Srebrenica, and that the town and its population were at risk. UNPROFOR commanders, therefore, took a different approach from the Council, convincing the Bosniac commanders that they should sign an agreement in which Bosniac forces would give up their arms to UNPROFOR in return for the promise of a ceasefire, the insertion of an UNPROFOR company into Srebrenica, the evacuation of the seriously wounded and seriously ill, unimpeded access for UNHCR and ICRC, and certain other provisions (see S/25700). Representatives of the Bosnian Government were apparently divided as to how to proceed. According to General Halilović, then Commander of the ARBiH, President Izetbegović was in favour of the UNPROFOR proposal, which, as he understood it, meant that the Bosniacs would hand their weapons over to UNPROFOR in return for UNPROFOR protection.

60. The text of the agreement was negotiated in Sarajevo on 17 April 1993, and was signed by General Halilović and General Mladić early in the morning of 18 April. The Force Commander witnessed the agreement on behalf of UNPROFOR. The agreement laid down the terms under which Srebrenica would be demilitarized, though it did not define the area to be demilitarized. Halilović has since stated that he understood the agreement to cover only the urban area of Srebrenica, and not the rural parts of the enclave. UNPROFOR seems also to have understood the agreement in this way. The Serbs, however, did not. The agreement also called for the deployment of UNPROFOR troops into the area by 1100 hours on 18 April in order to secure a landing site for helicopters which would evacuate wounded personnel from Srebrenica; for the monitoring of the ceasefire in Srebrenica and those areas outside the town from which direct fire weapons could be brought to bear; and for the establishment of liaison with authorized military leaders of both sides.

61. Approximately 170 UNPROFOR troops, principally from the Canadian contingent, deployed into the Srebrenica area on 18 April, establishing a substantial UNPROFOR presence there for the first time. The Canadian force then proceeded to oversee the demilitarization of the town of Srebrenica, though not of the surrounding area. Halilović has stated that he ordered the Bosniacs in Srebrenica not to hand over any serviceable weapons or ammunition. The Bosniacs accordingly handed over approximately 300 weapons, a large number of which were non-serviceable; they also handed over a small number of heavy weapons, for which there was no significant amount of ammunition. A large number of light weapons were removed to areas outside the town.

62. The Secretariat informed the Force Commander that, in the light of the views of several Security Council members, he should not pursue the demilitarization process in Srebrenica with undue zeal, ruling out, for example, house-to-house searches for weapons. On 21 April UNPROFOR released a press statement entitled "Demilitarization of Srebrenica a success". That document stated that "UNPROFOR troops, civilian police and military observers had been deployed in Srebrenica since 18 April to collect weapons, ammunitions, mines, explosives and combat supplies and that by noon today they had completed the task of demilitarizing the town". The statement noted further that "almost 500 sick and wounded had also been evacuated from Srebrenica by helicopters and humanitarian aid convoys have been entering the town since Sunday". The Force Commander of UNPROFOR was quoted as saying, "I can confirm that from noon today the town has been demilitarized .... The [UNPROFOR] team prepared a final inventory of all the collected weapons and munitions, which were then destroyed by UNPROFOR".

E. Security Council mission to Srebrenica and further demilitarization agreement of 8 May 1993

63. Following the adoption of Security Council resolution 819 (1993), members of the Council had a rare opportunity to assess the situation on the ground first hand, when a Security Council mission led by Diego Arria, Permanent Representative of Venezuela to the United Nations, arrived in Srebrenica on 25 April. On arrival in Srebrenica, the mission members noted that whereas the Council in

resolution 819 (1993) had demanded that certain steps be taken by the Bosnian Serbs, the UNPROFOR-brokered agreement of 18 April 1993 had required the Bosniacs to disarm. Confronted with the reality of the situation on the ground, the Council members appeared to support the UNPROFOR course of action. In their report submitted shortly upon their return to New York, the members of the Security Council mission wrote that "the alternative could have been a massacre of 25,000 people. It definitely was an extraordinary emergency situation that had prompted UNPROFOR to act .... There is no doubt that had this agreement not been reached, most probably a massacre would have taken place, which justifies the efforts of the UNPROFOR Commander" (see S/25700). The Council members then condemned the Serbs for perpetrating "a slow-motion process of genocide". Comparing the approach of the Council with that of UNPROFOR, a Canadian UNPROFOR officer told the Council members that "even though the Security Council is obviously an important organ of the United Nations it is of no importance to the Serbs in the area" (ibid.).

64. In its report the Security Council mission noted the discrepancy between the Council resolutions and the situation on the ground. It stated that "even though Security Council resolution 819 (1993) declared the city [of Srebrenica] a safe area, the actual situation obviously does not correspond to either the spirit or the intent of the resolution". The mission then stated that "Serb forces must withdraw to points from which they cannot attack, harass or terrorize the town. UNPROFOR should be in a position to determine the related parameters. The mission believes, as does UNPROFOR, that the actual 4.5 by 0.5 kms decided as a safe area should be greatly expanded". How this was to be done was not indicated. The mission report recommended that Goražde, Žepa, Tuzla and Sarajevo also be declared safe areas, "as an act of Security Council preventive diplomacy". The report concluded by recognizing that "such a decision would require a larger UNPROFOR presence, a revised mandate to encompass ceasefire/safe area monitoring and different rules of engagement". It proposed the gradual introduction of measures that could, if the Serbs ignored the integrity of the safe areas, lead to "eventual consideration" of "military strike enforcement measures".

65. On the ground, events were developing in a different direction. The agreement witnessed by the Force Commander on 18 April was followed by a more comprehensive agreement on 8 May, in which General Halilović and General Mladić agreed on measures covering the whole of the Srebrenica enclave and the adjacent enclave of Žepa. Under the terms of the new agreement, Bosniac forces within the enclave would hand over their weapons, ammunition and mines to UNPROFOR, after which Serb "heavy weapons and units that constitute a menace to the demilitarized zones which will have been established in Žepa and Srebrenica will be withdrawn". Unlike the earlier agreement, the agreement of 8 May stated specifically that Srebrenica was to be considered a "demilitarized zone", as referred to in article 60 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I).

F. Security Council resolution 824 (1993)

66. As had been the case from 16 to 18 April, the ceasefire negotiations of 6 to 8 May took place simultaneously with consultations of the Security Council. A draft resolution presented by the non-aligned members welcomed the recommendations of the Security Council mission to Bosnia and Herzegovina, and proposed expanding the safe area regime to include the city of Sarajevo, "and other such threatened areas, in particular the towns of Tuzla, Žepa, Goražde and Bihać". During the Security Council consultations of 5 May, the Secretary-General's Special Political Adviser remarked that the Secretary-General would normally be requested to make recommendations on the resources he would need to ensure that the status of those towns as safe areas was respected. He added that UNPROFOR could not be expected to take on this additional responsibility within its existing resources and that it would need at least one brigade in each town declared a safe area. Quite simply, he concluded, the Secretary-General did not have the means to implement the draft resolution.

67. On 6 May, members of the Security Council learned that the "Bosnian Serb Assembly" had rejected the Vance-Owen Peace Plan. The Council then adopted the draft resolution under discussion as resolution 824 (1993), by which it declared that Sarajevo, and other towns, such as Tuzla, Žepa, Goražde and Bihać, should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act. It also declared that in the safe areas the following should be observed:

(a) The immediate cessation of armed attacks or any hostile act against the safe areas, and the withdrawal of all Bosnian Serb military or paramilitary units from those towns to a distance wherefrom they ceased to constitute a menace to their security and that of their inhabitants to be monitored by United Nations military observers;

(b) Full respect by all parties of the rights of UNPROFOR and the international humanitarian agencies to free and unimpeded access to all safe areas in the Republic of Bosnia and Herzegovina and full respect for the safety of personnel engaged in these operations.

(A map showing the general location of the designated safe areas is included at the end of this chapter.)

68. As in resolution 819 (1993), all of the Security Council's demands in resolution 824 (1993) were directed at the Bosnian Serbs. UNPROFOR, as before, stated that it could not implement the resolution unless there were an agreement between the parties or unless it were given the resources to enforce it in the face of Serb opposition. References to enforcement measures, which had been proposed in a draft resolution submitted by members of the Movement of Non-Aligned Countries, however, had not been included in the text of resolution 824 (1993). Instead, the Council authorized the Secretary-General to strengthen UNPROFOR with 50 additional unarmed United Nations military observers.

69. Noting the discrepancy between the agreement of 8 May 1993 that had been negotiated on the ground by UNPROFOR and the resolution concurrently adopted by the Security Council, the Secretariat explained to UNPROFOR that the Council had laid great emphasis in resolution 824 (1993) on the withdrawal of the Bosnian Serbs from their positions threatening the "safe areas". The Secretariat believed that it was essential that UNPROFOR reiterate its determination to ensure the implementation of those parts of the agreement concerning the Serb withdrawal from around the safe area. The Secretariat added that the implied sequence in the agreement — Government forces disarming first, followed by a Serb withdrawal later — would be unacceptable to the Security Council.

G. End of the Vance-Owen Peace Plan; moves to strengthen the safe area regime

70. Following the rejection of the Vance-Owen Plan by the "Bosnian Serb Assembly", a "referendum" was held in Serb-controlled territory on 15 and 16 May. The Pale authorities claimed that the result of the referendum overwhelmingly confirmed the decision of the Assembly to reject the peace plan, which had been signed by Mr. Karadžić only on the condition of the former's concurrence. This led to a new round of activity in the international community, the focus of which was on how to stabilize the military situation on the ground.

71. On 14 May, the Permanent Representative of Pakistan transmitted to the President of the Security Council a memorandum containing the views and concerns of the members of the Security Council that were members of the Movement of Non-Aligned Countries with regard to the situation in Bosnia and Herzegovina (S/25782). The memorandum presented the argument that the safe area concept would fail unless the security of those areas was "guaranteed and protected" by UNPROFOR. Without those guarantees and protection, the memorandum stated, such safe areas would "provide no help to their inhabitants but rather force them into helpless submission". The failure of the international community to use enforcement measures, or threaten to use such enforcement measures, would "inevitably lead to a much more substantial use of force in the future. ... We should have all learned the most important lesson in this conflict: that the international community will not be respected until it decides to take effective actions". Referring to UNPROFOR, the memorandum stated that "in spite of the fact that the force was established under Chapter VII, its functions have been narrowly interpreted and its focus limited to the provision of humanitarian assistance and that, too, based on the consent of the perpetrators of the aggression. This restrictive interpretation, coupled with the denial of the inherent right of Bosnia and Herzegovina to invoke Article 51 of the Charter [self-defence], has encouraged the Serbs to continue with their aggression" (S/25782, paras. 7-10).

72. The next response was from the Permanent Representative of France who forwarded a memorandum to the President of the Security Council on 19 May. The French memorandum outlined changes that would have to be made to the UNPROFOR mandate "to give it expressly, more clearly than in resolution 824 (1993), the task of ensuring the security of the safe areas. To this end a new resolution should provide explicitly for the possibility of recourse to the [use of] force, by all necessary means" (S/25800, para. 4). It explained that "the general aim of the scheme should be to stop territorial gains by the Serbian forces" (ibid., para. 3).

73. In their memorandum the French outlined three options which could be considered, namely:

(a) A light option without formed units;

(b) A light option with formed units;

(c) A heavy option.

The task of UNPROFOR in the first two options would be "to deter aggression". The following criteria might trigger the use of force, "determined in a limited way":

(a) Shelling of safe areas by the forces of one of the factions;

(b) Armed incursions into safe areas;

(c) Impediment of free movement of UNPROFOR and protected humanitarian convoys.

74. The French memorandum specified that "a symbolic United Nations presence" would be required in each safe area for the "light option without formed units". For the "light option with formed units" a brigade (5,000 soldiers) would be required in Sarajevo, plus a battalion (900 soldiers) each in Bihać and Tuzla, a battalion divided between Srebrenica and Žepa, and a battalion divided between Goražde and Foča. For the "heavy option" a division would be required in Sarajevo, and a brigade in each of the other areas. The memorandum concluded that "the effective participation on the ground of the United States and the Russian Federation with the countries already involved would confer added credibility to such a concept of safe areas and might make the light options sufficient" (S/25800, paras. 5-8).

75. A third response came on 22 May, when representatives of the Governments of France, the Russian Federation, Spain, the United Kingdom and the United States met in Washington, D.C., agreeing on a joint action programme. The meeting followed an unsuccessful mission to Europe by the United States Secretary of State seeking support for a "lift and strike policy" (i.e., lifting of the arms embargo and striking the BSA from the air). The joint action programme attempted to bridge the positions of the various Governments concerned. Instead of insisting that the Serbs accept the Vance-Owen Peace Plan as a complete package, as earlier statements had done, the programme spoke of "building on the Vance-Owen process", and encouraged the parties to the conflict to "implement promptly mutually agreed provisions of the Vance-Owen Plan". The programme referred to the continuation of humanitarian assistance, to the rigorous enforcement of sanctions against the Serbs, to the possible sealing of the Yugoslav border with Bosnia and Herzegovina, to continued enforcement of the no-fly zone, to the rapid establishment of a war crimes tribunal and to the "valuable contribution" that could be made by the concept of safe areas (see S/25829).

76. The joint action programme was strongly criticized by members of the Movement of Non-Aligned Countries who objected to the lack of "clear commitment to reversing the consequences of Serbian aggression". Those countries also expressed concern about what they saw as the abandonment of the Vance-Owen Peace Plan, and were particularly sceptical about the advancement of a weak safe area policy as a substitute for more resolute action such as the lifting of the arms embargo.

77. The Security Council then asked the Secretariat to prepare within 24 hours a working paper on safe areas, which was presented to the Council, the next day, on 28 May. That unofficial working paper stated that "any concept of safe areas must assume the cooperation of the warring parties. Without a ceasefire in the region of the safe areas, the concept of safe areas is virtually impossible to implement". The paper laid out the argument that peacekeeping operations could only succeed with the consent of the parties, and that the Serbs would certainly not consent to any arrangement which put UNPROFOR in the way of their military objectives. Having said that, the paper then stated that "if UNPROFOR is given the task to enforce the establishment of a safe area (i.e., Chapter VII) it is likely to require combat support arms such as artillery and perhaps even close air support". The Secretariat paper laid out a number of options for the size and composition of United Nations units in each safe area, as follows:

(a) Token, predominantly United Nations military observers and United Nations civilian police;

(b) A sizeable United Nations military presence, with a military capability to protect the safe area;

(c) An UNPROFOR presence capable of defending the safe area against possible aggression.

The distinction being made between "a military capability to protect the safe area" and an UNPROFOR presence "capable of defending the safe area against possible aggression" was not explained, though estimates of the numbers of troops required to implement each option were given as follows: for option (a): 110-2,200; for option (b): 4,500-12,500; for option (c): 15,000.

H. Security Council resolution 836 (1993)

78. France, the Russian Federation, Spain, the United Kingdom and the United States then sponsored a draft resolution based substantially on the French memorandum of 19 May. The Security Council began deliberations on it on 1 June, and voted on the draft resolution on 4 June 1993. It was adopted by 13 votes in favour, with two abstentions, as resolution 836 (1993).The following three paragraphs of the resolution, which was adopted under Chapter VII of the Charter, were seen as particularly important:

> "5. ... *decides* to extend ... the mandate of the United Nations Protection Force in order to enable it,

> in the safe areas referred to in resolution 824 (1993), to deter attacks against the safe areas, to monitor the ceasefire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in resolution 776 (1992) of 14 September 1992;
>
> "9. *Authorizes* the Force, in addition to the mandate defined in resolutions 770 (1992) of 13 August 1992 and 776 (1992), in carrying out the mandate defined in paragraph 5 above, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of the Force or of protected humanitarian convoys;
>
> "10. *Decides* that ... Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures, through the use of air power, in and around the safe areas in Bosnia and Herzegovina, to support the Force in the performance of its mandate set out in paragraphs 5 and 9 above.

79. It is essential to note that the resolution explicitly eschewed the use of the words "protect" and "defend", and asked UNPROFOR only "to occupy some key points on the ground" and linked the use of force to the phrase "acting in self-defence". As the following section indicates, some members of the Council nonetheless took a broader view of the resolution.

I. Positions of Security Council members on resolution 836 (1993)

80. At the meeting at which the vote was taken, representatives of the 15 Security Council members made statements commenting on the resolution, as did the representatives of Bosnia and Herzegovina and Turkey (see S/PV.3228).

81. The representative of Bosnia and Herzegovina, a non-member of the Security Council, noted that the informal working paper presented by the Secretariat had characterized the implementation of the safe area policy as "not realistically possible". He stated that the resolution appeared to be "diplomatic cover for some of its co-sponsors to mitigate the need and responsibility for more resolute and comprehensive measures". He spoke of "a continuing lack of will to confront" Serb attacks on the Bosniac enclaves. The representative of Turkey was also sceptical about the effectiveness of the resolution, asserting that, in adopting the resolution, "the international community continues to pursue its course of indecision and fails to take coercive action that would once and for all stop the aggression". He said that his Government continued "strongly to advocate the use of force to stop Serbian aggression". He added that the resolution failed to acknowledge the right of Bosnia and Herzegovina to self-defence — "a right which has been denied for far too long". He repeated Turkey's preparedness to contribute troops to UNPROFOR.

82. The representative of France, noting that his Government had issued the memorandum of 19 May in which the concept of the safe areas had been elaborated, stated that it was France and its partners which, following the adoption of the joint action programme in Washington, had proposed that the Council adopt a draft resolution "ensuring full respect for the safe areas named in resolution 824 (1993) ...". He stated that the draft resolution addressed two objectives: the humanitarian one of ensuring the survival of the civilian populations of the safe areas, and the political one of maintaining the territorial basis needed for the Peace Plan for Bosnia and Herzegovina. He said that "the designation and protection of the safe areas [was] not an end in itself, but only a temporary measure: a step towards a just and lasting political solution". He characterized the draft resolution as "realistic and operational", and believed that it would be a first step towards implementing the Vance-Owen Plan. He concluded by stating that, in adopting the text, "the Council [would] demonstrate that the international community is not standing idly by".

83. The representative of Venezuela, who abstained in the voting on the draft resolution, spoke at length, criticizing it on two grounds: first, that it could not be implemented without substantial resources which might not be forthcoming, and, second, that it provided cover for an unwillingness to support "the broader and more meaningful goals of the fair and equitable distribution of territory between the various communities of Bosnia and Herzegovina". On the first point, the representative stated that "the draft resolution could not be implemented without the resolve to do so and until the Secretary-General had the necessary means and resources ...". He noted that the members of the Council that were members of the Movement of Non-Aligned Countries had wanted the Secretary-General

to report formally on the safe area concept before the vote was taken on the draft resolution. "Unfortunately, it [had been] decided not to await the opinion of the Secretary-General." The representative referred to the "objective and highly critical evaluation" of the concept made by the Secretary-General in the unofficial working paper of 28 May. He noted that the Secretary-General had already asked Council members "particularly valid questions" about the precise role of the United Nations, and whether or not the United Nations would be expected to use force if the Serbs did not comply with the resolution. He noted also that these questions had not been satisfactorily answered, and predicted that the safe areas would not be "safe" at all. On the second point, he criticized the joint action programme and the view that "all that are needed are containment and prevention measures: safe areas, border monitors, strengthening sanctions, the prohibition of overflights, a tribunal for crimes against humanitarian law". He asked whether Council members could believe that this attitude would "convince the aggressors that it is best graciously to renounce what they have conquered by terror and force". He called on the Council to "respect and apply collective security, which ensures the right to self-defence, as guaranteed by the Charter".

84. The representative of Pakistan, who also abstained in the voting, supported "expeditious and comprehensive action by the Security Council under Chapter VII of the Charter to enforce its decisions and to authorize the use of all necessary measures, including the use of air strikes against key strategic targets, to halt the Serbian aggression, [and] reverse it through withdrawals from all territories occupied by the use of force and 'ethnic cleansing' ...". He drew the attention of Council members to "the fundamental shortcomings of this concept" of the safe areas, but reiterated his Government's offer to provide troops to UNPROFOR in connection with the implementation of the draft resolution. He urged the Council to "take further appropriate steps, including the lifting of the arms embargo against Bosnia and Herzegovina, in conformity with its inherent right to self-defence under Article 51 of the Charter ...".

85. The representative of New Zealand stated that his Government supported the draft resolution on the understanding that force, in the form of air strikes, could be used if UNPROFOR was prevented from carrying out its tasks or if humanitarian assistance continued to be interdicted. He urged the Council to send a message to the Serbs that they should cease their activities in and around the safe areas, or face swift consequences. "Any message less than this — as a first step — would be, in our view, gravely damaging to the Council's reputation and, indeed, to the United Nations as a whole." The representative of Djibouti said that he would vote in favour of the draft resolution, accepting "in good faith the strong affirmations of the sponsoring members that this time they do indeed mean business".

86. Speaking after the vote, the representative of Brazil stated, "there should be no doubt in anyone's mind that this resolution can be considered neither the ideal nor the final response of the Security Council to the conflict". He had voted in favour of the resolution because "in spite of its shortcomings ... it constitutes a concrete step and embodies a significant qualitative change in the way the Council has been dealing with the matter so far".

87. The representative of the Russian Federation noted that his delegation was among the sponsors of the resolution, and that the resolution set out "a serious package of very effective and genuinely practicable measures". His delegation was convinced that the implementation of the resolution "would be an important practical step for the international community genuinely to curb the violence and to stop the shooting on the long-suffering land of the Bosnians. Henceforth, any attempted military attacks, shooting and shelling of safe areas, any armed incursions into those areas, and any hindrance to the delivery of humanitarian assistance [would] be stopped by the United Nations forces by using all necessary means, including the use of armed force". He spoke in favour of the joint action programme and concluded that "the Washington programme does not exclude the adoption of new, firmer measures: nothing has been ruled in or ruled out".

88. The representative of the United States of America said that her Government had co-sponsored the resolution because it "saw it as a means to save lives ...". She added, "the United States voted for this resolution with no illusions. It is an intermediate step — no more, no less. Indeed, both the Security Council and the Governments that developed the joint action programme have agreed that they will keep open options for new and tougher measures, none of which is prejudged or excluded from consideration. My Government's view of what those tougher measures should be has not changed". The United States Government expected "the full cooperation of the Bosnian Serb party in implementing this resolution. If that cooperation [was] not forthcoming, [it would] move to seek further action in the Security Council".

89. The representative of China noted that the humanitarian situation in Bosnia and Herzegovina had dramatically deteriorated. "Under the present circumstances, the establishment of a number of safe areas in Bosnia and

Herzegovina may as well be tried as a temporary measure in order to reduce conflicts and ease the people's afflictions". He stressed, however, that the safe area policy could not provide a fundamental political solution to the conflict, and predicted that the policy might encounter "a series of difficulties in the course of implementation". He said that "the invoking of Chapter VII of the Charter to authorize the use of force, as well as the implication in the resolution that further military action would be taken in Bosnia and Herzegovina [might], instead of helping the effort to seek an enduring peace in Bosnia and Herzegovina, further complicate the issue there, and adversely affect the peace process".

90. The representative of Hungary stated that "the solutions set out in that resolution are far from ideal .... This resolution treats only the symptoms, because it does not give a fully convincing response to the key issue, at present, in the Bosnian conflict: reversing the results of the aggression which has been carried out with impunity in that country". Hungary had voted in favour of the resolution because it understood it as "authorizing UNPROFOR to resort to force in response to bombardments of safe areas or armed incursions or if there [were] deliberate impediments in or around those areas to the freedom of movement of UNPROFOR or protected humanitarian convoys". He said that "the action in which the international community [was] now engaged [fell] under the heading of 'too little, too late'".

91. The representative of the United Kingdom spoke positively about the joint action programme, describing the safe area policy as "an essential step in the immediate agenda" of the programme. "The aim is to provide further help to large concentrations of the civilian population, most of whom are Muslims." A new element was that the United Kingdom, "with France and the United States, probably acting in a NATO framework, were prepared to make available air power in response to calls for assistance from United Nations forces in and around the 'safe areas'. To implement this concept of 'safe areas' effectively, the United Nations [would] need some further troops, and [the United Kingdom would] support the Secretary-General in his efforts to attract new contributions, including from some Islamic States". The safe areas would not stop the war and were a temporary measure. Noting that there were some suggestions that a policy of "safe areas" might be combined with a lifting of the arms embargo, he said that his Government did not see the combination of these elements as an option and that the two policies were distinct and alternative. "It would be hard to reconcile the supply of arms with United Nations peacekeeping on the ground." He then spoke in favour of the negotiating efforts of Mr. Vance and Lord Owen, and noted that neither the joint action programme nor the view of the Government of the United Kingdom ruled out "other, stronger measures as the situation develops".

92. The representative of Spain stated that "with the expansion of the UNPROFOR mandate to ensure full respect of the 'safe areas', [the Security Council had] taken an important step aimed at saving lives, protecting threatened territories, permitting free access to humanitarian assistance and also facilitating the future application of the Vance-Owen peace plan". He added that "UNPROFOR's reinforced protection of the six areas mentioned in the resolution [was] aimed at increasing their security and providing higher levels of safety and well-being for the threatened civilian population".

J. Reluctance to use force to deter attacks on safe areas

93. Following the adoption of Security Council resolution 836 (1993), the Bosnian Serbs continued to bombard the safe areas at about the same rate as before. In Sarajevo, for example, Serb shells continued to land in the safe area at an average rate of approximately 1,000 per day, usually into civilian-inhabited areas, often in ways calculated to maximize civilian casualties, sometimes at random, and only occasionally for identifiably military purposes. This pattern, which had begun on 6 April 1992, continued, with lulls of varying lengths, until Operation Deliberate Force in August 1995. The Serbs also continued to obstruct freedom of movement to all of the safe areas, both for UNPROFOR and for humanitarian convoys, imposing a system of clearances, the principal effect of which was to limit the effectiveness of UNPROFOR and to slow down the delivery of humanitarian aid.

94. Shortly after the adoption of resolution 836 (1993), the Secretariat convened a meeting of the sponsors of the resolution (France, the Russian Federation, Spain, the United Kingdom, the United States) and Canada. The Secretariat made an oral presentation in which it was stated that approximately 32,000 additional ground troops would be required to implement the safe area concept. This drew strong opposition, particularly from the Permanent Representative of the United Kingdom, who insisted that the preferred approach would be closer to the "light option" presented in the French memorandum, which would entail some 5,000 additional troops.

95. The Secretariat then informed UNPROFOR that none of the sponsors was willing to contribute any additional

troops for UNPROFOR, and that none of them seemed to envisage a force capable of effectively defending those areas. The Secretariat believed that there was unanimity among the sponsors that the extension of the UNPROFOR mandate to include a capacity to deter attack against the safe areas should not be construed as signifying deployment in sufficient strength to repel attacks by military force. UNPROFOR's major deterrent capacity, rather than being a function of military strength, would essentially flow from its presence in the safe areas. The Secretariat referred to the positive example of Srebrenica, where it was thought that the success of the approach had been demonstrated. The Secretariat added that the role of UNPROFOR "to promote the withdrawal of military and paramilitary forces" was said to call for persuasion rather than coercion. The Secretariat informed UNPROFOR that the resolution's sponsors shared the Secretariat's own concern that any air strikes would pose grave dangers to UNPROFOR personnel and the humanitarian convoys and should, therefore, be initiated with the greatest restraint and, essentially, in self-defence.

K. Report of the Secretary-General pursuant to resolution 836 (1993) (S/25939)

96. The Secretary-General submitted the first of several reports in which he outlined his views on the implementation of the safe area concept on 14 June. He noted that "in order to ensure full respect for the safe areas, the Force Commander of UNPROFOR estimated an additional troop requirement at an indicative level of approximately 34,000 to obtain deterrence through strength", but went on to note that "it would be possible to start implementing the resolution under a 'light option' envisaging a minimal troop reinforcement of around 7,600. While this option cannot, in itself, completely guarantee the defence of the safe areas, it relies on the threat of air action against any of the belligerents" (S/25939, para. 5).

97. Concerning Srebrenica, the Secretary-General stated that the existing force levels would not have to be enhanced under the light option. He did state, however, that "since it is assumed that UNPROFOR ground troops will not be sufficient to resist a concentrated assault on any of the safe areas, particular emphasis must be placed on the availability of the air-strike capability provided by Member States. This would require the deployment of Forward Air Controllers (FACs) in order that the force-multiplying characteristics of air power may be fully exploited if necessary" (S/25939, para. 4). Forward Air Controllers were later deployed in all the safe areas.

98. By its resolution 844 (1993) of 18 June 1993, the Security Council, acting under Chapter VII of the Charter, *inter alia*, approved the report of the Secretary-General, decided to authorize the deployment of the additional 7,600 troops proposed under the light option, and reaffirmed its decision in paragraph 10 of resolution 836 (1993) on the use of air power.

L. Efforts to lift the arms embargo

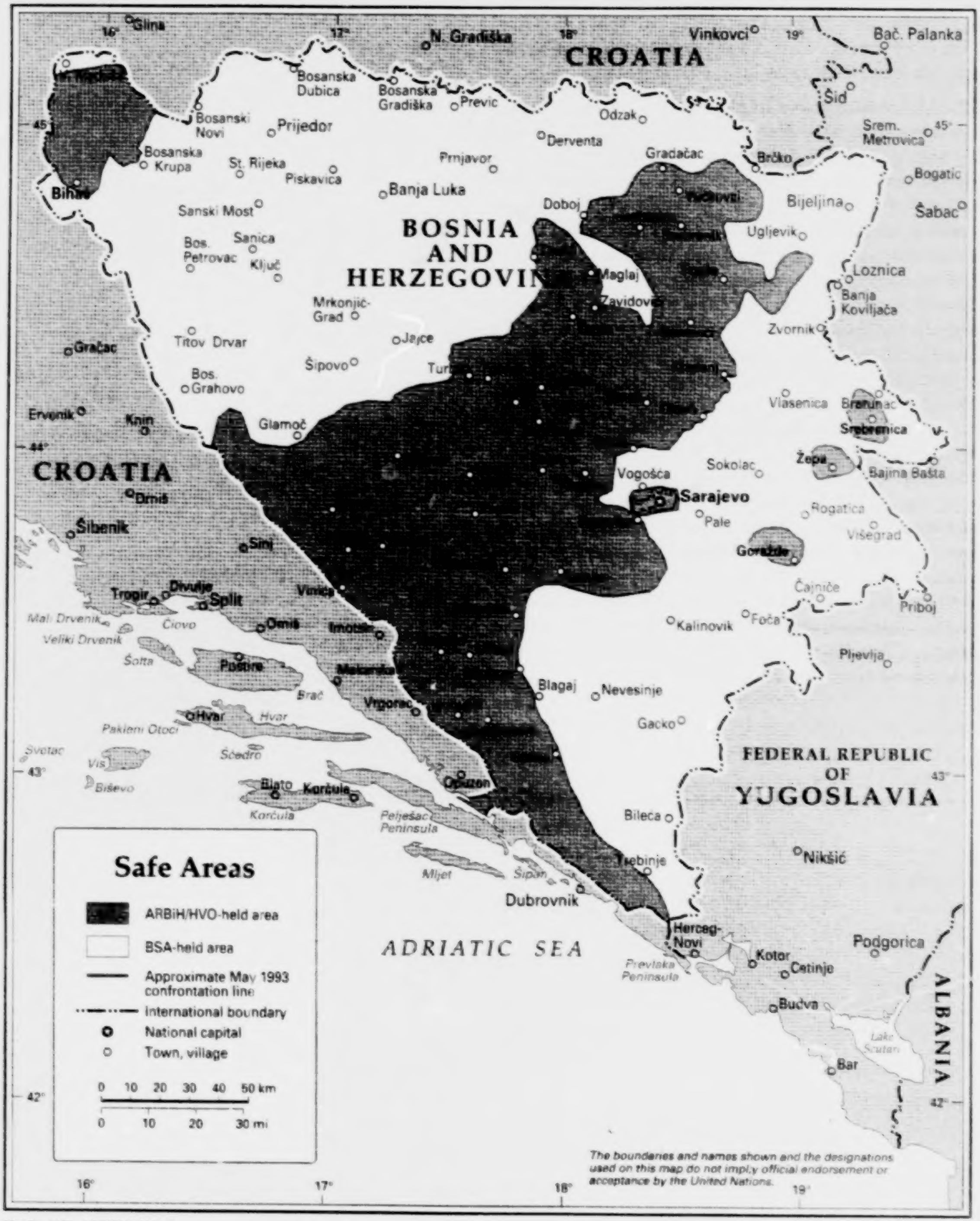
99. Shortly thereafter, representatives of the Movement of Non-Aligned Countries tabled a draft resolution which would have exempted the Government of Bosnia and Herzegovina from the arms embargo imposed on the former Yugoslavia under resolution 713 (1991). The Security Council voted on the draft resolution on 29 June, and rejected it by six votes in favour (Cape Verde, Djibouti, Morocco, Pakistan, the United States and Venezuela) to none against, and nine abstentions (Brazil, China, France, Hungary, Japan, New Zealand, the Russian Federation, Spain and the United Kingdom).

100. Several Council members, and a number of other Permanent Representatives who had asked to participate in the discussion of the draft resolution, made a connection between the safe area policy and the effort to lift the arms embargo. Representatives of several members of the Organization of the Islamic Conference said that they viewed the concept underlying Security Council resolution 836 (1993) as "flawed from the beginning". They suggested that, if the Council was unable to take action to halt the conflict or to protect the Bosniac population, then the Council should at least allow the Bosniacs to defend themselves. The representative of Bosnia and Herzegovina saw the safe area regime as an expression of the lack of will of some countries to provide an effective deterrent to Serb aggression. That being the case, the safe area regime could, at best, benefit some people temporarily, but none permanently. Given the lack of will in the international community, Bosnia and Herzegovina now sought to reassert its right to obtain the means of self-defence.

101. The representative of Pakistan noted that his country, together with other non-aligned members of the Council, had originally supported the establishment of safe areas, but felt that the experience in Srebrenica, Žepa and Goražde had revealed the fundamental shortcomings of the concept in the absence of any real resolve. In his view, the safe area policy had become an instrument for freezing the situation on the ground to the full advantage of the Serbs. He felt that the lack of resolve within the Council had emboldened the

Serbs. Thirteen representatives of States members of the Organization of the Islamic Conference also spoke in favour of the draft resolution, as did the representatives of Costa Rica, Slovenia, Venezuela and the United States.

102. The representative of the United Kingdom, leading those who opposed the draft resolution also referred to the safe area policy. On the ground in Bosnia, he said, top priority had to be given to making the safe areas safe. He described the response to the decisions of the Security Council to reinforce UNPROFOR with 7,500 troops and to back up those troops with the deterrent threat of air strikes as "encouraging". The representative of France, who also opposed the draft resolution, said that reasons of "principle, timeliness and substance" stood in the way of exempting the Republic of Bosnia and Herzegovina from the arms embargo. He said that the role of the Council was not war or waging it. To lift the arms embargo selectively, would, in his view, contravene the principles of the Council. "Such a decision would disastrously interfere with the Geneva talks now under way." He added that the safe area concept, although not perfect, must be given a chance to succeed. He noted that more than 6,000 men could be made available by participating countries. He concluded by saying that France had contributed 6,300 troops to UNPROFOR and that his country "would not accept lessons in morality from anyone". Croatia, Yugoslavia, Japan, Ukraine, the Russian Federation, Hungary, China, Brazil, New Zealand and Spain also spoke against the draft resolution.


Safe Areas
ARBiH/HVO-held area
BSA-held area
Approximate May 1993 confrontation line
International boundary
National capital
Town, village
0 10 20 30 40 50 km
0 10 20 30 mi
CROATIA
BOSNIA AND HERZEGOVINA
FEDERAL REPUBLIC OF YUGOSLAVIA
ALBANIA
ADRIATIC SEA
Sarajevo
Bihać
Banja Luka
Prijedor
Bosanski Novi
Bosanska Krupa
Bosanska Dubica
Bosanska Gradiška
N. Gradiška
Glina
Prnjavor
Derventa
Odzak
Gradačac
Brčko
Doboj
Maglaj
Zavidovići
Bijeljina
Ugljevik
Zvornik
Loznica
Banja Koviljača
Vinkovci
Bač. Palanka
Šid
Srem. Mitrovica
Bogatić
Šabac
Vlasenica
Bratunac
Srebrenica
Žepa
Bajina Bašta
Rogatica
Višegrad
Goražde
Pale
Sokolac
Vogošca
Čajniče
Foča
Priboj
Pljevlja
Kalinovik
Nevesinje
Gacko
Blagaj
Bileca
Trebinje
Dubrovnik
Herceg-Novi
Kotor
Cetinje
Budva
Bar
Podgorica
Nikšić
Lake Scutari
Prevlaka Peninsula
Pelješac Peninsula
Mljet
Šipan
Korčula
Blato
Hvar
Brač
Šolta
Vis
Biševo
Split
Trogir
Omiš
Sinj
Šibenik
Drniš
Knin
Ervenik
Gračac
Glamoč
Šipovo
Jajce
Mrkonjić-Grad
Titov Drvar
Bos. Grahovo
Bos. Petrovac
Sanski Most
Sanica
Ključ
St. Rijeka
Piskavica
Imotski
Makarska
Vrgorac
Opuzen
Vinica
16° 17° 18° 19°
42° 43° 44° 45°
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

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IV. Evolution of the safe area policy: June 1993-December 1994

A. Initial implementation of the safe area policy

103. None of the sponsors of Security Council resolution 836 (1993) initially offered any additional troops to implement the resolution (though France later provided additional troops for the safe areas of Sarajevo and Bihać, and the United Kingdom deployed troops into Goražde). Several members of the Organization of the Islamic Conference offered large contingents. The Secretariat viewed a number of these offers with concern, however, because it was not anticipated that the Bosnian Serbs would agree to their deployment, and because the ability of those troops to perform their duties would be dramatically curtailed if such consent were not given.

104. In addition to the difficulties associated with securing a sufficient number of troops in general, UNPROFOR encountered the problem of Member States refusing to allow the deployment of personnel already in theatre to the safe areas. The initial UNPROFOR deployment in Srebrenica consisted of elements of the Canadian battalion. The UNPROFOR Force Commander informed the Secretariat on 25 September that he had ordered elements of a Nordic battalion to replace the Canadians following their scheduled rotation out of the enclave, but that the Commander of the Nordic battalion, acting on instructions from the Government of Sweden, had refused. The Canadians therefore remained in Srebrenica until elements of a Dutch battalion were able to deploy there in January 1994, following extensive delays caused by Serb obstruction.

105. Despite the political difficulties associated with deploying units to Srebrenica, the UNPROFOR presence there remained at a strength of two to three infantry companies for most of the period under review. This force level corresponded broadly with option (b) laid out in the French Government memorandum of 19 May. It was also consistent with the light option described by the Secretary-General in his report to the Security Council of 14 June. Although some concerns were voiced about force levels, UNPROFOR reported that the Canadian presence was sufficient to carry out the tasks assigned to UNPROFOR in the enclave. Furthermore, the overall strength of UNPROFOR in Bosnia and Herzegovina did increase steadily in response to the additional responsibilities entrusted to it, rising to a peak of over 30,000 troops by mid-1995, with the United Kingdom and France providing the largest troop contributions.

B. Mount Igman crisis

106. The safe area regime faced its first major test in August 1993. On 30 July, Bosnian Serb forces launched the last phase of an offensive that secured for them important positions on Mount Bjelasnica and Mount Igman near Sarajevo. In so doing, the Serbs, who already controlled most of the strategic high ground in the Sarajevo area, further increased their domination over the valley in which Sarajevo lies. By early August, Serb forces on Mount Igman were poised to cut the last Government-held road out of Sarajevo. Sarajevo, which had depended on this route for military and other supplies, would be completely cut off.

107. On 2 August, President Izetbegović announced that he was withdrawing from the peace negotiations then taking place at Geneva, and would not return until Serb forces withdrew from Mount Igman. That evening, the Secretary-General of NATO, Manfred Wörner, informed the Secretary-General of the United Nations that the North Atlantic Council had considered a proposal by one of its members to use NATO air power in support of the negotiations at Geneva. Mr. Wörner also forwarded a copy of a statement he had issued, saying that the alliance had decided to prepare for "stronger measures, including air strikes", to be used if "the strangulation of Sarajevo continues". He added that these measures would be under the authority of the Security Council and within the framework of relevant Security Council resolutions. He referred also to "full coordination with UNPROFOR, operational options for air strikes, including the appropriate command and control and decision-making arrangements", but these were not specified.

108. There then ensued an exchange between the two organizations concerning the use of NATO air power. The Secretary-General of the United Nations reaffirmed his strong support for the principle that the use of air power could help to achieve objectives established by the Security Council. He added, however, that he was concerned about the views of certain members of the North Atlantic Council that the proposed air strikes should take place "at times and places of NATO's choosing". He stated that any such action should be taken only after he had had the opportunity to receive the advice of his Special Representative in the former Yugoslavia given the Organization's responsibility for the security of its personnel there. He also stressed the importance of maintaining a distinction between "close air support", which was a limited and defensive tool in which

air attacks were used to protect UNPROFOR personnel under immediate attack, and "air strikes", which were an offensive tool, to be used against targets which might be distant from the battlefield in order to achieve some broader military or political goal.

109. The North Atlantic Council met again on 9 August, approving command and control arrangements under which the first use of air power would be authorized by the Secretary-General of the United Nations. It was also agreed that air strikes would be executed only with the agreement of the UNPROFOR Force Commander and the NATO Commander-in-Chief of Allied Forces South (the "dual key" arrangement), and then only when each had authority to proceed. Three air strike options were also approved under which a progressive escalation of air strikes was envisaged. Option 1 ("First Strike Phase") would be the use of air power against targets that were militarily significant and visibly impeding or preventing implementation of Security Council resolutions. Option 2 ("Follow-on Phase") would involve the use of air power against a wider set of targets associated with the siege. Option 3 ("Expanded Zone of Action") would be the use of air power outside the immediate areas under siege.

110. Almost immediately, differences of interpretation emerged between NATO and the United Nations on these arrangements. NATO's stated objectives were to provide support for UNPROFOR, to support the Geneva negotiations and to demonstrate its solidarity and resolve. In particular, NATO saw these arrangements as an instrument to induce the Bosnian Serbs to lift without delay the siege of Sarajevo and to ensure that the surrounding heights and means of access to the city were placed under UNPROFOR control. Further, NATO saw them as an instrument to bring about an end to provocations that were jeopardizing the delivery of humanitarian aid. The United Nations Secretariat, meanwhile, while welcoming NATO support for UNPROFOR, remained concerned about the vulnerability of its personnel on the ground to retaliatory action by the Bosnian Serbs.

111. Bearing in mind these various perspectives, the Secretariat engaged in serious internal debate on the matter, and soon thereafter communicated to UNPROFOR its view on the circumstances under which resolutions 836 (1993) and 844 (1993) provided for the use of air power. These were:

(a) In self-defence;

(b) In reply to bombardments against the safe areas;

(c) In response to armed incursions into the safe areas;

(d) To neutralize attempts to obstruct the freedom of movement of UNPROFOR forces or humanitarian convoys.

112. The UNPROFOR Force Commander developed a concept for the use of air power within these parameters, specifying the particular criteria which would trigger its use in given situations. He stressed, however, that "to ensure the best possible deterrence by this weapon, doubt must exist as to the exact criteria used to determine its use. In fact, publishing criteria ... concerning the level of casualties or destruction which would be used to initiate air support could lead the belligerents to commit hostile actions just below the threshold." On 18 August the Secretary-General was able to inform the Security Council that the operational capability to deploy air power in support of UNPROFOR was in place (S/26335).

113. The Bosnian Serbs agreed with UNPROFOR on 14 August that they would pull back from key positions on Mount Bjelašnica and Mount Igman, which was done under UNPROFOR monitoring. UNPROFOR's Bosnia and Herzegovina Command assessed that the more cooperative stance adopted by the Serbs was attributable, at least in part, to the threat of air strikes.

C. Proposals to exchange Srebrenica and Žepa for Serb-held territory around Sarajevo

114. Following the Serb withdrawals from Mount Bjelašnica and Mount Igman, President Izetbegović resumed his place in the peace negotiations at Geneva and, later, aboard the United Kingdom warship HMS *Invincible*. The package finalized aboard the *Invincible* called for the establishment of a union of three republics: one with a Bosniac majority, one with a Croat majority, one with a Serb majority. The Bosniac-majority republic would have covered 30 per cent of the land area of Bosnia and Herzegovina, including Srebrenica and Žepa. (See the map at the end of this chapter.) The Bosnian Serb leaders were in favour of the plan in principle, but were opposed to the arrangements for Srebrenica and Žepa, which, for strategic reasons, they wanted to be in the Serb-majority republic. They proposed an exchange of territories with the Bosniac leadership, under which Srebrenica and Žepa would be ceded to the Serb-majority republic, in return for which certain Serb-controlled territories around Sarajevo would be included in the Bosniac-majority republic.

115. Representatives of the Bosniac community gathered in Sarajevo on 28 and 29 September to vote on the peace package. A delegation of Bosniacs from Srebrenica was transported to Sarajevo by UNPROFOR helicopter to participate in the debate. Prior to the meeting, the delegation met in private with President Izetbegović, who told them that there were Serb proposals to exchange Srebrenica and Žepa for territories around Sarajevo. The delegation opposed the idea, and the subject was not discussed further. Some surviving members of the Srebrenica delegation have stated that President Izetbegović also told them he had learned that a NATO intervention in Bosnia and Herzegovina was possible, but could only occur if the Serbs were to break into Srebrenica, killing at least 5,000 of its people. President Izetbegović has flatly denied making such a statement. Following this private meeting, the Bosniac Assembly met in full session, voting not to accept the *Invincible* package as it stood, and calling for further talks and the return of all territories taken by force.

116. Following the decision by the Bosniacs not to accept the *Invincible* package as presented, peace talks were reconvened, even as fighting continued on the ground. Over the coming months, a modified version of the *Invincible* package was developed under the auspices of the European Union. Under the European Union Action Plan, as it was called, the Bosniac-majority republic was to include 33.5 per cent of the territory of Bosnia and Herzegovina. Again the maps included Srebrenica and Žepa in the territory to be administered as part of the Bosniac-majority republic, and again the Serbs proposed exchanges of territory. Bosniac leaders met with Serb leaders in Sarajevo and elsewhere to discuss arrangements under which Srebrenica and Žepa might be ceded to the Serb-majority republic, but, as far as the United Nations is aware, no agreement was reached on the subject. The peace initiative within which context these deliberations took place eventually collapsed in January 1994.

D. Markale massacre and disagreements on the use of air power

117. On 5 February 1994, a mortar round exploded in the Markale marketplace in downtown Sarajevo killing 68 people, mostly Bosniac civilians, and injuring over 200. Images of the carnage, which were captured by television crews, were then transmitted around the world, provoking outrage. The incident followed another one the day before, in which 10 people had been killed by Serb mortar fire while queuing for water in the Dobrinja area of Sarajevo. Representatives of France, the United Kingdom and the United States met in New York to discuss these attacks, agreeing that the Secretary-General of the United Nations should be encouraged to support robust action by NATO. Upon being informed of their views, the Secretary-General wrote to the President of the Security Council that "these two incidents make it necessary, in accordance with operative paragraphs 9 and 10 of resolution 836 (1993), to prepare urgently for the use of air strikes to deter further such attacks" (S/1994/131). He also wrote to the Secretary-General of NATO on 6 February as follows:

> "I should be grateful if you could take action to obtain, at the earliest possible date, a decision by the North Atlantic Council to authorize the Commander-in-Chief of NATO's Southern Command to launch air strikes, at the request of the United Nations, against artillery or mortar positions in or around Sarajevo which are determined by UNPROFOR to be responsible for attacks against civilian targets in that city" (S/1994/131, annex).

118. The UNPROFOR Commander in Bosnia and Herzegovina, however, opposed this approach, apparently on the grounds that it might "drag the United Nations into war".[8] He endeavoured to convince his own Government not to support a wider use of NATO air power designed to force the Serbs to the negotiating table. He later described how he intervened when he thought that a senior Minister of his Government, "under pressure from the Americans and NATO, was wobbling seriously on the subject of air strikes".[9]

119. The UNPROFOR Commander in Bosnia and Herzegovina proposed what he believed to be a more balanced arrangement that would relieve the pressure on Sarajevo without resort to force. He brought the two sides together in Sarajevo on 9 February, urging them to support a four-point agreement under which there would be a ceasefire, a withdrawal of heavy weapons to a distance of 20 km, a positioning of UNPROFOR troops along the confrontation line, and the establishment of a Joint Commission to review implementation of the agreement. The Serbs agreed immediately, partly, in the view of the UNPROFOR Commander, because of the threat of air strikes.[10] The Government of Bosnia and Herzegovina had been reluctant when the terms of the ceasefire had been explained to them the previous evening. The UNPROFOR Commander, however, told them that the first United Nations investigation of the bomb crater in the market place indicated that the bomb had been fired from the Bosnian side of the battle lines or perhaps detonated *in situ*.[11] In fact, subsequent analysis contradicted this finding,[12] but the

suggestion was apparently effective, as, after some further pressure from the UNPROFOR Commander, the Bosniacs also agreed to ceasefire terms which, they felt, worked to their disadvantage.

120. The Secretary-General of NATO informed the Secretary-General of the United Nations on the same day that the North Atlantic Council had met and had agreed to respond positively to the United Nations request to authorize air strikes to prevent further attacks on Sarajevo. The Council had called for the withdrawal, or regrouping and placing under UNPROFOR control, within 10 days, of the Serbs' heavy weapons to a distance of at least 20 km from the centre of Sarajevo ("Sarajevo exclusion zone"). It had also called for the Government of Bosnia and Herzegovina to place its weapons under UNPROFOR control, and for a ceasefire. The Council had moreover decided that those weapons of the parties which remained within the Sarajevo exclusion zone after 10 days would be subject to air strikes, along with their direct and essential military support facilities.

121. As the deadline approached for Serb heavy weapons to be withdrawn, some United Nations officials began to express concern about the way in which events appeared to be moving. Senior representatives of the Secretariat, the International Conference on the Former Yugoslavia, UNPROFOR and UNHCR met on 16 February to discuss the issue of possible air strikes around Sarajevo. Some of the participants expressed serious reservations about the NATO intention to launch air strikes against heavy weapons which had not been withdrawn or placed under UNPROFOR control by 20 February. They expressed the view that the NATO strategy appeared to be based on what they felt was a questionable assumption that air strikes would, by demonstrating NATO's resolve, strengthen international credibility and elicit Serb compliance with the international community's plans for a Bosnian settlement. Other participants recall having largely agreed with the NATO strategy, and having sought to use it as a way of complementing UNPROFOR's negotiations with the Serbs.

122. Many, though not all, of the weapons were withdrawn or regrouped by both sides by the required deadline, and the ultimatum and ceasefire, while not ending all combat activity in the Sarajevo area, did lead to a substantial reduction in the number of firing incidents and a stabilization of the confrontation line. UNPROFOR later built upon these positive developments, by negotiating a freedom of movement agreement between the parties on 17 March 1994. Under the terms of this agreement, a number of "blue routes" were opened, along which limited numbers of civilians from both sides could move. The humanitarian situation in the safe area of Sarajevo improved substantially during this period, and some degree of normalcy returned to life in the city for a period of several months, after which the situation gradually deteriorated again.

123. With the establishment of the exclusion zone around the safe area of Sarajevo, UNPROFOR established a significant presence on the Serb side of the confrontation line for the first time. This was opposed by some observers, who felt that UNPROFOR personnel would be potential hostages in times of crisis. Nevertheless, several hundred UNPROFOR troops, mainly from France and Ukraine, were deployed to Serb-held areas around the city to monitor the weapon collection points in which Serb weapons had been confined. A Russian battalion was also deployed in the Serb-held city district of Grbavica.

E. United Nations assessment of the safe area policy as of March 1994

124. Despite the arrangements entered into with NATO, and the "force-multiplying characteristics of air power" which were then available to support the UNPROFOR mission, the United Nations Secretariat and UNPROFOR became increasingly frustrated at the lack of troops made available by Member States, including the sponsors of resolution 836 (1993), to implement the safe area policy. Under the circumstances, UNPROFOR found robust implementation of the safe area policy to be impossible. Prior to his departure in December 1993, the then Commander of UNPROFOR's Bosnia and Herzegovina Command commented that his mission had been beset by "a fantastic gap between the resolutions of the Security Council, the will to execute these resolutions, and the means available to commanders in the field". He added that he had stopped reading Security Council resolutions.[13]

125. In his report to the General Assembly of 7 January 1994 (A/48/847), the Secretary-General noted that against the authorized strength of 7,600 additional troops for the safe areas, fewer than 3,000 troops had arrived in theatre nearly seven months later. He added that problems remained with the deployment of troops from Pakistan (3,000 offered) and Bangladesh (1,220 offered) since the Governments concerned had declared their inability to equip their soldiers adequately for the required tasks. He noted also that the Bosnian Serbs had not complied with the terms of resolutions 819 (1993), 824 (1993) and 836 (1993). Concerning the safe area of Sarajevo, he reported that the Serbs had failed to lift the siege and that shelling of the safe area had increased.

126. The concern within the United Nations Secretariat and among UNPROFOR commanders about the gap between expectations and resources increased following the declaration of the Heads of State and Government of the North Atlantic Council of 11 January 1994. That declaration reaffirmed NATO's readiness "to carry out air strikes in order to prevent the strangulation of Sarajevo, the safe areas and other threatened areas in Bosnia and Herzegovina" (S/1994/131, annex). It also urged the UNPROFOR authorities to draw up plans to ensure that a blocked rotation of UNPROFOR contingents in Srebrenica and Žepa could take place and to examine the opening of Tuzla airport for humanitarian purposes. This was done though the Secretary-General wrote to the Security Council on 28 January that any attempt to achieve those tasks other than with the consent of the parties would entail "considerable risk for UNPROFOR's operations and for the troops involved in its implementation, as well as for the humanitarian assistance operation" (S/1994/94). A series of negotiations followed, after which the rotation of UNPROFOR troops in Srebrenica and Žepa continued, though with restrictions imposed by the Serbs.

127. The concern over the gap between expectations and resources was further heightened on 4 March 1994 when, by its resolution 900 (1994), the Security Council asked the Secretary-General to report on the feasibility of extending the safe area regime to cover Maglaj, Mostar and Vitez. This option was rejected by the Secretary-General in his report to the Council of 11 March 1994 (S/1994/291), in which he noted that the effectiveness of the safe area concept depended on the attitude of the parties and on "the resolve of the international community as perceived by the parties". In that context, he argued that "minimal assets may be adequate to ensure basic survival: the 'safe areas' of Goražde, Srebrenica and Žepa have not been subjected to attack even though UNPROFOR's presence was confined to two companies in Srebrenica, one company in Žepa and only eight unarmed military observers in Goražde ... UNPROFOR has saved lives by its presence in the safe areas, but that has not made these areas truly 'safe'." Noting that UNPROFOR was not able, with the resources available, to relieve appalling living conditions, the Secretary-General expressed the view that the safe area concept might work better if redefined in that "those troops exempt from demilitarization would have to be effectively prevented from taking tactical military advantage of their presence in a safe area. Equally, the presence of UNPROFOR in such areas must be of a sufficient level not only to deter attack but also to permit the development of normal conditions of life."

128. In a subsequent report, dated 16 March 1994 (S/1994/300), broader reservations were expressed about the safe area policy. In it, the Secretary-General stated his concern that the safe areas were being used by the Army of the Government of Bosnia and Herzegovina "as locations in which its troops can rest, train and equip themselves as well as fire at Serb positions, thereby provoking Serb retaliation". He also repeated his view that, for the safe area concept to be sustained, there would have to be "full demilitarization by both sides on agreed conditions, assured freedom of movement, the impounding or withdrawal of heavy weapons and extensive UNPROFOR deployment". Given the lack of resources, he stated, "the active cooperation of the parties is indispensable to the viability of the safe areas".

129. The Secretary-General was particularly concerned about the problem of impartiality, which is normally considered to be the bedrock of successful peacekeeping operations. He argued as follows:

> "The steady accretion of mandates from the Security Council has transformed the nature of UNPROFOR's mission in Bosnia and Herzegovina and highlighted certain implicit contradictions. For a long while, UNPROFOR's primary mandate in Bosnia and Herzegovina was seen as assistance in the delivery of humanitarian assistance, an objective that could be attained only with the active cooperation of the parties. The increased tasks assigned to UNPROFOR in later resolutions have inevitably strained its ability to carry out that basic mandate. The principal consequences have been the following:
>
> "(a) Several of the newer tasks have placed UNPROFOR in a position of thwarting the military objectives of one party and therefore compromising its impartiality, which remains the key to its effectiveness in fulfilling its humanitarian responsibilities;
>
> "(b) As a result of the changed perception of its impartiality, the Force has suffered increased incidents of obstruction and harassment, particularly by the Bosnian Serb and Bosnian Croat parties, in its attempts to discharge its humanitarian responsibilities;
>
> "(c) The new tasks require resources that have not been provided expeditiously by the international community ...".

130. Despite these concerns, the Secretary-General advised against redefining the mandates "commensurate with the resources the international community is prepared to make

available to UNPROFOR". He noted with some optimism "the close collaboration that has developed between the United Nations and NATO with regard to the former Yugoslavia". In particular, he noted that the threat of NATO air power was effectively used to bring about a positive result in the safe area of Sarajevo. He therefore concluded that "soldiering on in hope seems preferable to withdrawing in abdication".

F. Attack on Goražde: March-April 1994

131. UNPROFOR made its first request for NATO air support on 12 March 1994. A Serb tank had been bombarding Bihać, and a number of rounds had landed close to French UNPROFOR positions in the safe area. The UNPROFOR battalion commander passed his request for the deployment of close air support to UNPROFOR headquarters. Close air support was not deployed, however, owing to a number of delays associated with the approval process, which was being tested for the first time.

132. A more serious test came when Bosnian Serb forces began an offensive against the safe area of Goražde on 31 March. As Serb forces entered the enclave and approached the town itself, there was extensive debate within the international community, and within the United Nations, as to how to respond. UNPROFOR was opposed to the use of force to deter Serb attacks. The UNPROFOR Commander informed the Government of Bosnia and Herzegovina that "UNPROFOR was a peacekeeping force that could use only a limited degree of military force to deter attacks against the safe areas. Only the Security Council in New York could make the necessary changes to the United Nations mandate to allow strategic-level air strikes to take place."[14] Writing to United Nations Headquarters on 8 April 1994, the UNPROFOR Commander stated that, by choosing to adopt the light option with respect to force levels, the international community had accepted that the safe areas would be established by agreement as opposed to force. This choice, he maintained, was a clear rejection of a policy of peacemaking or peace enforcement and an acceptance that the task would be achieved through peacekeeping means.

133. The UNPROFOR Commander held the view that a Serb attack on Bosnian Government forces defending a confrontation line around a safe area would not meet UNPROFOR's definition of an attack on a safe area. Accordingly, he sought to halt the offensive by agreement. During the first 10 days of April, he organized a series of ceasefire negotiations, but these did not lead to any agreement. UNPROFOR later concluded that the Serbs had used negotiations with the United Nations as a cover for the prosecution of their offensive.

134. Despite the failure of the ceasefire negotiations, the UNPROFOR Commander assessed that the Serbs would advance no further towards Goražde. On 10 April, however, Serb forces resumed their advance. He then warned General Mladić that, unless the attacks into Goražde stopped, air strikes against his forces would be called for, "in accordance with Security Council resolution 836 (1993)".

135. When Serb artillery and tank fire into the town continued on the afternoon of 10 April, UNPROFOR asked for NATO close air support to begin. The Serbs' impression that the air attacks were to be part of a broader effort to halt their advance was reinforced when initial efforts to locate and destroy attacking tanks were not successful, owing to poor weather conditions; NATO was asked instead to target an artillery command facility. At 1826 hours, close air support was conducted, three bombs being dropped by United States F-16 aircraft, resulting in the destruction of the facility. The Serb bombardment of Goražde stopped. General Mladić warned UNPROFOR that United Nations personnel would be killed if the NATO attacks did not stop.

136. The next day, 11 April, the Serb bombardment of Goražde resumed. The UNPROFOR Commander initiated further close air support, with the approval of the Special Representative of the Secretary-General, which targeted one Serb tank and two armoured personnel carriers, reportedly destroying them. Again Serb bombardments stopped, and again General Mladić threatened to retaliate against United Nations personnel, against UNPROFOR headquarters in Sarajevo and against the attacking aircraft.

137. Relative quiet follow for three days, but was interrupted on 14 April when the Serbs took approximately 150 United Nations personnel hostage, most of them UNPROFOR troops stationed at heavy weapons collection points in Serb-controlled territory near Sarajevo. The next day critical defence lines of the Army of the Republic of Bosnia and Herzegovina broke, bringing Serb forces to the edge of the built-up area of Goražde. The United Nations was deeply divided as to what was happening on the ground. The United Nations military observers, supported by UNHCR, believed that the Bosniacs were defeated and that the Serbs, taking advantage of their military superiority, were subjecting the civilian population of Goražde to heavy bombardment. The UNPROFOR Commander, supported by a small team of British observers then present in the enclave, believed, as he has since written in his memoirs, that "the Bosnian Army had probably retreated in order to embroil the United Nations and NATO in the war ... In the narrow passes

and ravines anyone could have stopped the [Serb] tanks with a crowbar ... the Bosnians had turned and run, leaving the United Nations to pick up the pieces."[15] He also considered that the reports filed by the United Nations military observers had been inaccurate, exaggerating the extent of the attacks on civilian targets.[16]

138. The Serbs launched a tank assault on the remaining Bosnian army forces to the east of Goražde town on 16 April. The UNPROFOR Commander initiated the further use of close air support, which the Special Representative approved. While attempting to engage Serb tanks, however, a NATO aircraft was brought down by a Serb anti-aircraft missile. NATO and the United Nations had differing interpretations of this event. NATO commanders expressed concern that UNPROFOR had asked the pilot to make several passes over the target, to confirm that the targeted tank was indeed attacking, thus exposing the aircraft to danger. The Commander-in-Chief of NATO's Southern Command informed the Commander of United Nations forces in Bosnia and Herzegovina that, because of the risk to his aircraft, he would not approve any further attacks on tactical-level targets, but only on strategic-level ones. That evening, it was announced that the Serbs had agreed to a ceasefire and the release of United Nations hostages in return for a halt to combat air patrols over Goražde.[17]

139. As Bosnian Serb forces continued to advance, the United Nations was divided as to how best to respond. A senior adviser to the Special Representative of the Secretary-General proposed "some psychological action in place of military action that [could] break the deadlock in the political situation". The adviser proposed, among other measures, offering the Serbs independence, or lifting the sanctions against them. However, the United Nations Secretariat was moving in a less conciliatory direction. The Secretariat proposed to the Special Representative "to establish a concept that would provide for a more assertive protection of the safe areas to prevent a recurrence of the developments of Goražde". The Secretary-General subsequently requested NATO to authorize its commanders to launch air strikes, at the request of the United Nations, against artillery, mortar positions or tanks in or around the safe areas.

140. Two sets of decisions were accordingly taken by the North Atlantic Council on 22 April. The first set of decisions stated that the Commander-in-Chief of NATO's Southern Command would be "authorized to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 km radius of the centre of Goražde (but inside the territory of Bosnia and Herzegovina) ..." unless:

> "(a) Bosnian Serb attacks against the safe area of Goražde cease immediately;
>
> "(b) Bosnian Serb forces pull back 3 km from the centre of the city by 0001 GMT on 24 April;
>
> "(c) From 0001 GMT on 24 April, United Nations forces, humanitarian relief convoys and medical assistance teams are free to enter Goražde unimpeded, and medical evacuations are permitted."

141. The second set of decisions stated that a "military exclusion zone" was being "established for 20 km around Goražde, which calls for all Bosnian Serb heavy weapons ... to be withdrawn by 0001 GMT on 27 April". It was decided that similar military exclusion zones could be activated around any of the other safe areas, "if, in the common judgement of the NATO military commanders and the United Nations military commanders, there is a concentration or movement of heavy weapons within a radius of 20 km of these areas ..." It was also agreed that:

> "(a) With immediate effect, if any Bosnian Serb attacks involving heavy weapons are carried out on the United Nations-designated safe areas of Goražde, Bihać, Srebrenica, Tuzla and Žepa, these weapons and other Bosnian Serb military assets, as well as their direct and essential military support facilities, including but not limited to fuel installations and munitions sites, will be subject to NATO air strikes ...
>
> "(b) After 0001 GMT on 27 April, if any Bosnian Serb heavy weapons are within any designated military exclusion zone as described above, these weapons and other Bosnian Serb military assets, as well as their direct and essential military support facilities, including but not limited to fuel installations and munitions sites, will be subject to NATO air strikes ..."

Finally, the Council "called upon the Government of Bosnia and Herzegovina not to undertake offensive military action from within the safe areas and, to this end, to cooperate with any UNPROFOR monitoring of their heavy weapons".

142. Also on 22 April, the Security Council adopted resolution 913 (1994), in which it demanded a ceasefire agreement and condemned the Serbs for their attacks on the Goražde safe area. It demanded that the Serbs withdraw their forces and weapons, but also, for the first time, placed substantial limits on the actions of Bosniac Government forces. In paragraph 4 of the resolution the Council called for "an end to any provocative action by whomsoever committed in and around the safe areas".

143. The next day an agreement was reached in Belgrade, in the presence of Serbian President Milošević, between the Special Representative of the Secretary-General and the Bosnian Serb leaders Karadžić, Krajišnik and Mladić. UNPROFOR attempted to induce the Serbs to consent in the agreement to as many elements of the North Atlantic Council decisions as possible, thus providing them a "face-saving" measure. However, representatives of the Bosnian Government were not present and it was not a party to the agreement. The agreement, which was to come into effect on 24 April, provided for a ceasefire, a demilitarization of the area within 3 km of the town centre, the evacuation of the wounded and free movement for UNPROFOR and humanitarian organizations. The agreement did not require the Serbs to withdraw from the overwhelming bulk of the territory they had taken around Goražde, leaving them in control of approximately 15 per cent of what had previously been presumed to be the safe area of Goražde. The Secretariat later noted in several reports to the Security Council that the absence of clearly demarcated boundaries for the safe areas (other than for Srebrenica and Žepa) had complicated the efforts of UNPROFOR to determine the extent of attacks launched against or from them.

144. On 24 April, Ukrainian and French UNPROFOR troops entered the safe area. Although the situation on the ground remained unstable, and Serb compliance with the NATO decisions remained poor, Serb forces advanced no further. Relations between UNPROFOR and the Serbs, which had become strained during the offensive, improved somewhat over the following period, particularly after 3 May when the Special Representative of the Secretary-General approved a request from Mr. Karadžić to redeploy a few tanks through the Sarajevo exclusion zone on tank carriers and under UNPROFOR escort. This was strongly criticized by the Secretariat and the Special Representative has since indicated that, with the benefit of hindsight, he regretted having agreed to this movement.

145. Reviewing the Bosnian Serb offensive, UNPROFOR officials assessed that the Serbs had advanced in a series of steps, pausing to ascertain whether or not NATO would use force against them. When the Serbs were satisfied that they could move forward without escalating attacks from the air, they did so. UNPROFOR also assessed that, at least in the short term, the NATO ultimatum had put pressure on the Serbs not to press home their attack on Goražde.[18] In the words of the then UNPROFOR Commander in Bosnia and Herzegovina, "it was NATO air power that helped deter attacks by the Bosnian Serbs against the safe areas, and that preserved the total exclusion zones for heavy weapons around Sarajevo and Goražde".[19]

G. Report of the Secretary-General of 9 May 1994 (S/1994/555)

146. Following the Serb offensive on Goražde, the Secretary-General submitted to the Security Council a major report on the safe area policy, intended to inform the Council of "results achieved and lessons learned, as well as to propose some improvements ..." (S/1994/555).

147. The Secretary-General began by reviewing the safe area mandate, and by stating that the concept had been applied with a greater degree of effectiveness in Srebrenica and Žepa than in the other safe areas, owing to the demilitarization agreements in effect for those two areas. He was also relatively positive about the situation in Sarajevo, where the threat of NATO air intervention had made it possible to negotiate an agreement on the withdrawal and regrouping under UNPROFOR control of heavy weapons. He added that implementation of the agreement had been a success — Sarajevo had been free of heavy weapons attack since the entry into force of the agreement — because of "enforcement by a credible third party", which was willing to use air strikes in the case of non-compliance.

148. Concerning Goražde, the Secretary-General was less positive. He noted that the shortage of troops available to UNPROFOR, and the unwillingness of the parties to negotiate, had constrained UNPROFOR: there were only eight observers in the enclave when the Serb offensive began, and UNPROFOR had been unable to delineate the boundaries of the safe area. He also noted that the first use of close air support had led to the Serbs detaining United Nations personnel and obstructing freedom of movement. He concluded that the Serbs had agreed to withdraw forces from a 3-km zone, and to withdraw heavy weapons from a 20-km zone, only because of "much effort on the part of UNPROFOR, coupled with the further threat of NATO air strikes".

149. Despite this assessment that the threatened use of NATO air power had been effective at critical moments around Sarajevo and Goražde, the Secretary-General expressed caution about the further use of air power by NATO. He stressed that UNPROFOR had to ensure that any use of air strikes was based on verified information, also noting that the use of air power would expose United Nations military and civilian personnel to retaliation. "The agreement of NATO to act only in full consultation with UNPROFOR addresses these concerns."

150. The Secretary-General then noted the failure of the parties "to understand or fully respect the safe area concept", and that "UNPROFOR found itself in a situation where many

safe areas were not safe, where their existence appeared to thwart only one army in the conflict, thus jeopardizing UNPROFOR's impartiality". Looking for a "way ahead", the Secretary-General stated that he had made a "careful analysis" of the relevant Security Council resolutions and reports, and understood UNPROFOR's mission as follows:

> "To protect the civilian populations of the designated safe areas against armed attacks and other hostile acts, through the presence of its troops and, if necessary, through the application of air power, in accordance with agreed procedures."

This conscious use of the word "protect" was aimed at obtaining the Council's acquiescence in a broader interpretation of the safe area mandate than the initial resolutions had warranted. However, the Secretary-General noted the limited ability of UNPROFOR to perform this mission, and stated that, "should UNPROFOR's presence prove insufficient to deter an attack, it could be required to resort to close air support to protect its own members or to request air strikes to compel an end to the attack on the safe areas".

151. The Secretary-General asked the Security Council to mandate UNPROFOR to establish, on its own responsibility, the operational boundaries of the areas the Force found itself able to protect. He said that the delineation of the safe areas proposed by UNPROFOR would be "practical and achievable" from a military point of view. He then requested the Council to consider redefining the safe area concept to embrace three principles, namely:

(a) That the intention of safe areas was primarily to protect people and not to defend territory and that UNPROFOR's protection of those areas was not intended to make it a party to the conflict;

(b) That implementing the safe area policy should not, if possible, detract from the UNPROFOR mandate of supporting humanitarian assistance operations and contributing to the overall peace process through the implementation of ceasefires and local disengagements;

(c) That the mandate should take into account limitations of UNPROFOR's resources.

152. The Security Council was divided as to how to proceed. The Permanent Representative of Bosnia and Herzegovina made a number of comments, particularly with respect to the safe area policy. Concerning the Secretary-General's statement that "UNPROFOR has attempted to redefine the safe area concept", focusing on the protection of civilian populations rather than territory, he quoted from the statement made by the Permanent Representative of France at the time of the vote on resolution 836 (1993). Explaining the vote of his Government, the latter had said that resolution 836 (1993) "addresses a paramount political objective: maintaining the territorial basis for the development and implementation of the peace plan for Bosnia and Herzegovina" (see S/1994/575). In the end, the Security Council did not respond at all to the Secretary-General's concerns about the implementability of the safe area concept, or to his proposed adjustments to it.

H. Contact Group peace plan

153. After the Bosnian Serb assault on Goražde, relative calm returned to Bosnia and Herzegovina for several months. Intensive efforts by the Government of the United States led to the end of the war between the Bosnian Government and the Bosnian Croat party. A ceasefire negotiated by UNPROFOR was signed on 23 February 1994, a framework peace agreement was signed on 1 March and the Federation of Bosnia and Herzegovina was established by the Washington agreement of 10 May 1994. In April 1994, a "Contact Group" had been established, bringing together representatives of France, Germany, the Russian Federation, the United Kingdom and the United States. From that point onwards, the Contact Group largely assumed the peacemaking role in Bosnia and Herzegovina that had hitherto been exclusively with the International Conference on the Former Yugoslavia. In all three communities in Bosnia and Herzegovina there was some expectation that the peace plan being prepared by the Contact Group might bring an end to the conflict, and this apparently contributed to a substantial reduction in fighting. UNHCR and other international humanitarian organizations were able to take advantage of this lull to bring more humanitarian aid into the country than at any time since the beginning of the conflict.

154. The Contact Group unveiled its peace plan on 4 July 1994. The territorial arrangements provided for 51 per cent of the country to be administered by the Bosniac-Croat Federation, and the remaining 49 per cent of the country to be administered by the Bosnian Serb authorities. (See the map at the end of this chapter.) The members of the Contact Group were aware that the peace plan might not be agreeable to all parties, particularly the Bosnian Serbs. Accordingly, the Contact Group had developed what it called a package of "disincentives" which would be brought to bear on whichever side rejected the peace package. The disincentives included, principally, three measures: the imposition of a stricter sanctions regime, the imposition and strict enforcement of heavy weapon "total exclusion zones"

around each of the six safe areas, and, as a last resort, the lifting of the arms embargo on the side which had accepted the package. The United Nations expressed certain concerns about the disincentive package. The Secretary-General wrote to the President of the Security Council on 24 July suggesting that UNPROFOR's operations in Bosnia and Herzegovina would cease to be viable if the Contact Group countries were to apply the disincentives by force. He later explained, in a subsequent report to the Security Council (S/1994/1067), that the further application of sanctions was not found to be objectionable, but that the strict enforcement of total exclusion zones around the safe areas "would place UNPROFOR unambiguously on one side of an ongoing conflict".

155. The rejection by the Serbs of the Contact Group plan led both the Serbs and the Government to intensify their military operations. The Serbs withdrew five heavy weapons from an UNPROFOR-monitored weapon collection point near Sarajevo on 5 August. UNPROFOR requested a limited NATO air action against a Serb armoured vehicle inside the Sarajevo exclusion zone. The Secretary-General then reported to the Security Council that no further weapons had been withdrawn, but that fighting had nevertheless continued in the area of Sarajevo. As the fighting escalated, there were increasing calls from NATO and others for a more robust response from UNPROFOR. On 9 September the United Nations Secretariat expressed its concern to UNPROFOR that it might not be responding sufficiently, within its existing mandate, to Serb military activity around the safe areas of Bihać and Sarajevo.

156. UNPROFOR was divided on this issue. The UNPROFOR Commander in Bosnia and Herzegovina opposed the wider use of force, on the grounds that NATO air attacks jeopardized the United Nations humanitarian mission, exposed United Nations personnel to retaliation by the Serbs, and crossed "the Mogadishu line" which separated neutral peacekeeping from war fighting. He also noted that the fighting around Sarajevo involved transgressions by Government forces as well as by the Serbs, even proposing, at one point, the use of NATO air power against ARBiH targets which had violated the agreements in effect, though this was rejected by NATO. There were dissenting views within UNPROFOR, opposing what was referred to in one communication as "a policy of endless appeasement". Nevertheless, the view of the UNPROFOR Commander in Bosnia and Herzegovina, which was broadly supported by his immediate superiors in Zagreb, the Force Commander and the Special Representative of the Secretary-General, prevailed.

I. Serb assault on the safe area of Bihać: October-December 1994

157. From late 1993 to mid-1994, the situation around the safe area of Bihać had been dominated by the conflict between two Bosniac armies. Forces loyal to the Government of Bosnia and Herzegovina, principally the Fifth Corps of the ARBiH, controlled the town of Bihać and the other principal population centres in the enclave. The northern part of the enclave, however, had been controlled by forces loyal to Fikret Abdić , who had been elected to the Presidency of Bosnia and Herzegovina in 1990, and who had now styled himself "President of the Autonomous Province of Western Bosnia". Although outnumbered, the forces loyal to Abdić were sustained by military support from the Croatian Serbs and by political and economic support from the Government of Croatia. The situation changed dramatically in August 1994, however, when Government forces defeated the "Autonomists", causing Abdić and some 35,000 of his Bosniac supporters to seek refuge nearby in Serb-held areas of Croatia.

158. Freed from its internal conflict with the Autonomists, the ARBiH Fifth Corps effected a break-out from the safe area of Bihać on 23 October 1994. Advancing south of Bihać, the Bosniacs briefly took control of several hundred square kilometres of territory including the strategic Grabez Plateau and the town of Kulen Vakuf on the Croatian border. A concerted Serb counter-attack against the over-extended Bosniac forces began in the first days of November 1994. Bosnian Serb units advanced from the south and south-east; Croatian Serb units and Bosniac units loyal to Fikret Abdić advanced from the north-west and north, supported by air assets based in the Serb-held areas of Croatia. Cluster bombs and napalm were used during these air attacks, albeit on a limited scale. The Bosnian Serb units had soon crossed the lines of confrontation as they had stood prior to the Bosniac break-out, and were approaching the southern limits of Bihać town.

159. On 16 November, the Secretariat instructed UNPROFOR to inform the Bosnian Serbs of the exact delimitation of the safe area of Bihać, and that any attack against that safe area would result in the use of air power. This was done and air power was employed in a limited fashion on 21 November, when an air strike was conducted against the Udbina airfield. NATO wished to neutralize the airfield and associated facilities altogether, but UNPROFOR insisted that only the airstrip should be struck, and not the aircraft operating from it. This, the Special Representative of the Secretary-General believed, was "a necessary and

proportionate response" to the attacks made by the Serb aircraft on the Bihać safe area.[20]

160. The Secretariat then informed UNPROFOR that some Security Council members were in favour of preventive or even extensive air strikes to deal with a Serb incursion, but emphasized that the decision on how to use air power would be left to the commander on the ground. Advancing Bosnian Serb forces crossed into the newly delineated safe area on 23 November, taking high ground known as Debeljaca. The Secretariat then received a number of démarches from Member States, calling on UNPROFOR to authorize NATO to conduct punitive and pervasive air strikes throughout the territory of Bosnia and Herzegovina. UNPROFOR expressed reluctance.

161. Following criticism from a number of national leaders that UNPROFOR had failed to deter attacks on the safe area of Bihać, the Secretariat convened, on 28 November, a meeting of troop-contributing countries to raise the issue of whether they wished to have their forces participate in more robust enforcement action from the air. The Secretariat explained that NATO was reluctant to conduct air attacks against the Bosnian Serbs without first suppressing Serb air defence assets in the area, and that the UNPROFOR commanders had been unable to agree to such a widespread use of air power, "which would be tantamount to going to war with the Serbs".

162. The Secretariat added that the commanders in the field were opposed to widespread and generalized air strikes. (Indeed, the UNPROFOR Commander in Bosnia and Herzegovina later stated, "In determining the goals to be pursued and the level of force, I could not, as a commander, ignore the primary humanitarian aspects of the mission, or ever forget that 2.7 million people were still dependent on United Nations aid for their survival. Every time I called for NATO air strikes the movement across Serb-held territory was halted and people died."[21]) The Secretariat concluded its briefing by indicating that, if the troop-contributing States wished the commanders to be overruled, the Secretary-General would be prepared to seek Security Council authorization "to cross the line that divides peacekeeping from peace enforcement".

163. Seventeen Permanent Representatives then took the floor, nine of them, including three permanent members of the Security Council, in support of UNPROFOR's relatively restrictive interpretation of the mandate, while eight expressed their inability to understand why more robust action was not being taken. No firm decision was taken. Over the days that followed fighting continued on the outskirts of Bihać and the Serbs continued to bombard positions inside the safe area. The Serb attack then faltered, and by 3 December the confrontation line had stabilized.

J. Report of the Secretary-General of 1 December 1994 (S/1994/1389)

164. As the crisis in Bihać was unfolding the Security Council adopted resolution 959 (1994), in which the Secretary-General was requested "to update his recommendations on modalities of the implementation of the concept of safe areas and to encourage [UNPROFOR], in cooperation with the Bosnian parties, to continue the efforts to achieve agreements on strengthening the regime of safe areas ...". The Secretary-General submitted his report (S/1994/1389) to the Council on 1 December 1994, as Bosnian Serb forces continued to operate from within the safe area of Bihać.

165. The Secretary-General began his report by recalling that he had pointed out that UNPROFOR would require some 34,000 troops in order to effectively deter attacks on the safe areas, but that the Council had authorized only a "light option" of 7,600 additional troops, the last of whom had arrived in theatre a year later. He then noted that the safe area policy had been applied more effectively in Srebrenica and Žepa than elsewhere, but also noted "the heightened fear of [Srebrenica's] inhabitants about their vulnerability to a Serb attack resulting from broader political and military developments". This point was not developed, except to say that the Serbs had obstructed international access to all three eastern enclaves, which had hampered UNPROFOR patrolling and impeded the delivery of humanitarian aid.

166. The Secretary-General was relatively positive about the safe areas of Tuzla and Sarajevo. "The living conditions of the residents of Sarajevo improved greatly during the four months following the agreement of 9 February 1994 on withdrawal or placement under UNPROFOR control of heavy weapons, and the subsequent agreement of 17 March 1994 on freedom of movement. The availability of utilities in and around Sarajevo increased significantly during this period." He noted that the situation had then deteriorated again somewhat after August.

167. Concerning the situation in Bihać, the Secretary-General noted that UNPROFOR had clearly delineated the safe area, but that Serb forces had nevertheless crossed into the area. He said that UNPROFOR was focusing its efforts in three areas: negotiations with the parties with a view to reaching an agreement on immediate cessation of hostilities and demilitarization of the Bihać safe area; measures to

stabilize the situation on the ground, including preparations for the implementation of an agreement; and attempts to secure access for UNPROFOR resupply as well as humanitarian convoys. He added: "The recent experience in Bihać has demonstrated once again ... the inherent shortcomings of the current safe area concept, at the expense of the civilian population, who have found themselves in a pitiable plight."

168. Analysing the experience of UNPROFOR in the safe areas, the Secretary-General elaborated on three themes: the limitation of deterrence and the consequences of the use of air power; the use of safe areas for military purposes; and the delineation of the safe areas. Concerning the first, he stated that "the experiences at Goražde and Bihać provide stark evidence that, in the absence of consent and cooperation, the 'light option', adopted as an initial measure and supported by air power alone, cannot be expected to be effective in protecting the safe areas". He then noted a number of "technical constraints" limiting the effectiveness of air power. He referred to the difficulty of identifying suitable targets for air action, to the increased presence of Serb surface-to-air missiles (which UNPROFOR was unwilling to have suppressed, because it might provoke the Serbs to attack its personnel), and to other problems. The "extreme and unavoidable vulnerability of UNPROFOR troops to being taken hostage and to other forms of harassment, coupled with the political constraints on a wider air action, greatly reduce the extent to which the threat of air power can deter a determined combatant".

169. Concerning the use of safe areas by Bosnian Government forces for military purposes, the Secretary-General stated that "most of the offensive activities undertaken by Government forces from the Bihać pocket were not launched from within the safe area as defined by UNPROFOR. However, the fact that this large-scale offensive was conducted from the headquarters of the Fifth Corps in the town of Bihać contributed, in the judgement of UNPROFOR, to the Bosnian Serb attack upon the town".

170. Concerning the delineation of the safe areas, the Secretary-General stated that "the non-existence of clearly defined boundaries seems to have led to a certain confusion as to the size and configuration of the Bihać safe area, and created false expectations on the part of the Government of Bosnia and Herzegovina as to the extent of the responsibilities of UNPROFOR".

171. The Secretary-General introduced his proposals for a modified safe area regime as follows:

> "The lessons described above create a need to reconsider the safe area concept ... Moreover, as explained above, the use of force and, in particular, air power to protect the safe areas cannot be effective if it becomes a destabilizing factor and impedes the primary humanitarian mission of UNPROFOR .... The use of force beyond a certain point would exacerbate the condition of the population in the safe areas, heightening the risk to UNPROFOR personnel, preventing the delivery of humanitarian assistance and intensifying the conflict throughout Bosnia and Herzegovina .... Nevertheless, it is important for the international community to remain committed to a safe area regime even without an agreement by the parties and to continue to demand compliance with the relevant decisions by the Security Council. UNPROFOR recognizes that the protection of the populations of the safe areas cannot depend exclusively on the agreement of the parties. It must also be accepted, however, that the ability of a peacekeeping force such as UNPROFOR to enforce respect for the safe areas by unwilling parties is extremely limited, unless additional troops and the necessary weapons and equipment are made available."

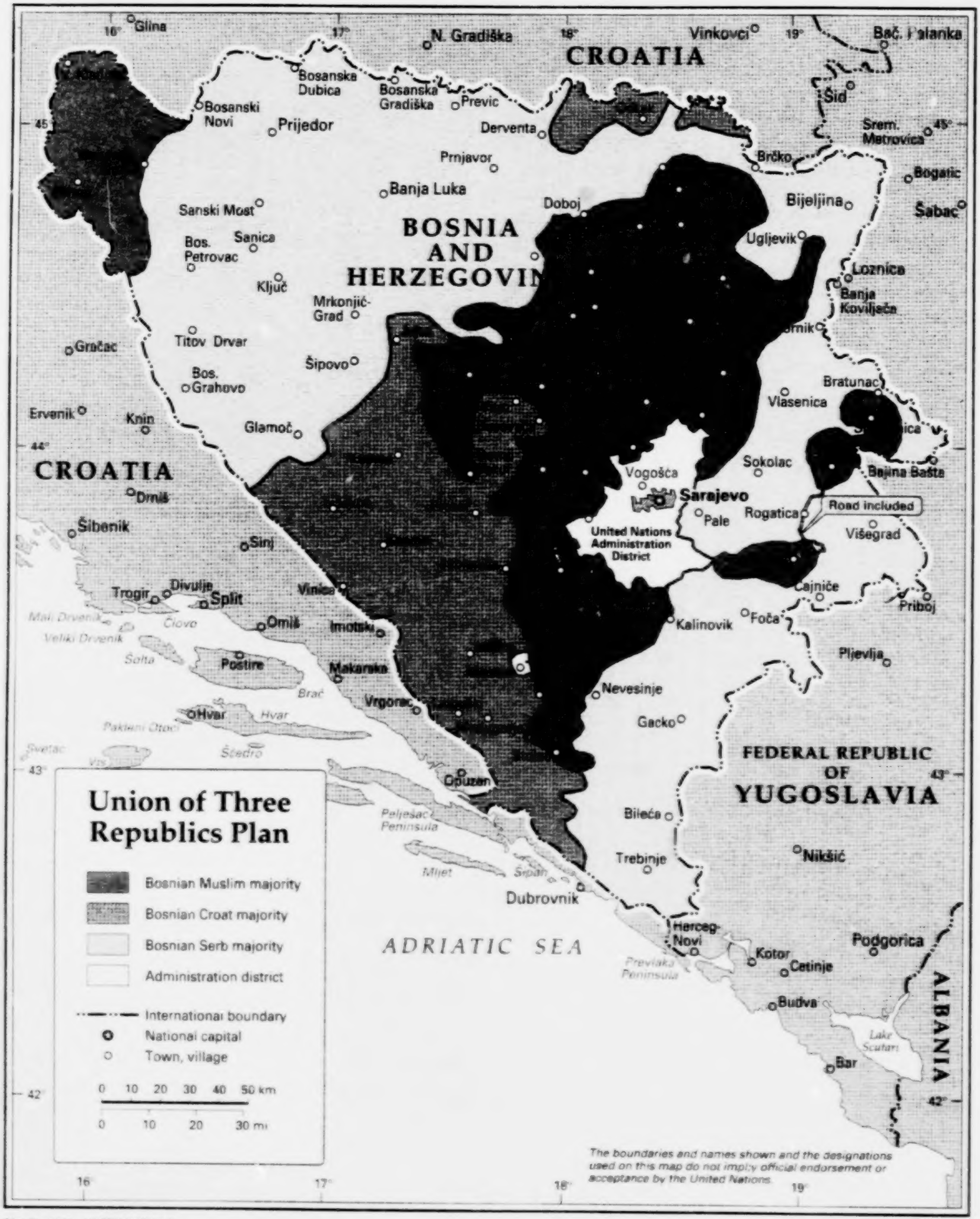
172. He then expressed his "belief that, in order to achieve the overriding objective of the safe areas, i.e., protection of the civilian population and delivery of humanitarian assistance, the current regime needs to be modified to include the following rules:

> "(a) Delineation of the safe areas;
>
> "(b) Demilitarization of the safe areas and cessation of hostilities and provocative actions in and around the safe areas;
>
> "(c) Interim measures towards complete demilitarization;
>
> "(d) Complete freedom of movement".

173. In his concluding observations, the Secretary-General stated that UNPROFOR would not be able to take on the above-mentioned tasks without "adequate additional resources". He also said that he did not believe that "UNPROFOR should be given the mandate to enforce compliance with the safe area regime ... such a mandate would be incompatible with the role of UNPROFOR as a peacekeeping force".

174. The Permanent Representative of Bosnia and Herzegovina argued that "the demilitarization of the safe areas as a stand-alone measure could actually have the counter-productive impact of exposing the safe areas and their population to greater danger"and that any reworking

of the safe area concept should be founded primarily "on the strengthening of the will and capacity, including that of UNPROFOR and NATO, to defend and deter attacks on the safe areas". He criticized the Secretary-General for promoting disarmament by the Bosniacs without any concomitant commitment to protecting the people once disarmed. He stated that although his Government had expressed a willingness to demilitarize certain areas, "UNPROFOR's and NATO's previous responses to attacks on the safe areas do not engender confidence". He added that "the same Member States which were promoting the demilitarization of Bosnian Government forces were those who were blocking consensus on a more muscular UNPROFOR and more active and resolute NATO". Commenting on the Bosniac arguments, the Special Representative of the Secretary-General opined that the demilitarization of the safe areas would be accompanied by the cessation of attacks, hostilities or other provocative action against the safe areas or the populations therein.



Union of Three Republics Plan

Bosnian Muslim majority
Bosnian Croat majority
Bosnian Serb majority
Administration district
International boundary
National capital
Town, village
0 10 20 30 40 50 km
0 10 20 30 mi
CROATIA
BOSNIA AND HERZEGOVINA
FEDERAL REPUBLIC OF YUGOSLAVIA
ALBANIA
ADRIATIC SEA
United Nations Administration District
Road included
Sarajevo
Glina
N. Gradiška
Vinkovci
Bač. Palanka
Bosanska Dubica
Bosanska Gradiška
Previc
Bosanski Novi
Prijedor
Derventa
Šid
Srem. Mitrovica
Brčko
Bogatić
Prnjavor
Banja Luka
Doboj
Bijeljina
Šabac
Sanski Most
Bos. Petrovac
Sanica
Ključ
Ugljevik
Loznica
Banja Koviljača
Mrkonjić-Grad
Titov Drvar
Gračac
Bos. Grahovo
Šipovo
Bratunac
Vlasenica
Ervenik
Knin
Glamoč
Sokolac
Bajina Bašta
Drniš
Vogošća
Pale
Rogatica
Višegrad
Šibenik
Sinj
Trogir
Divulje
Split
Vinica
Čajniče
Priboj
Mali Drvenik
Veliki Drvenik
Čiovo
Omiš
Imotski
Kalinovik
Foča
Šolta
Postire
Makarska
Pljevlja
Brač
Vrgorac
Nevesinje
Hvar
Pakleni Otoci
Gacko
Svetac
Vis
Šćedro
Opuzen
Pelješac Peninsula
Bileća
Nikšić
Trebinje
Mljet
Šipan
Dubrovnik
Herceg-Novi
Kotor
Cetinje
Podgorica
Prevlaka Peninsula
Budva
Lake Scutari
Bar
16°
17°
18°
19°
45°
44°
43°
42°

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map No. 4130 UNITED NATIONS
November 1999

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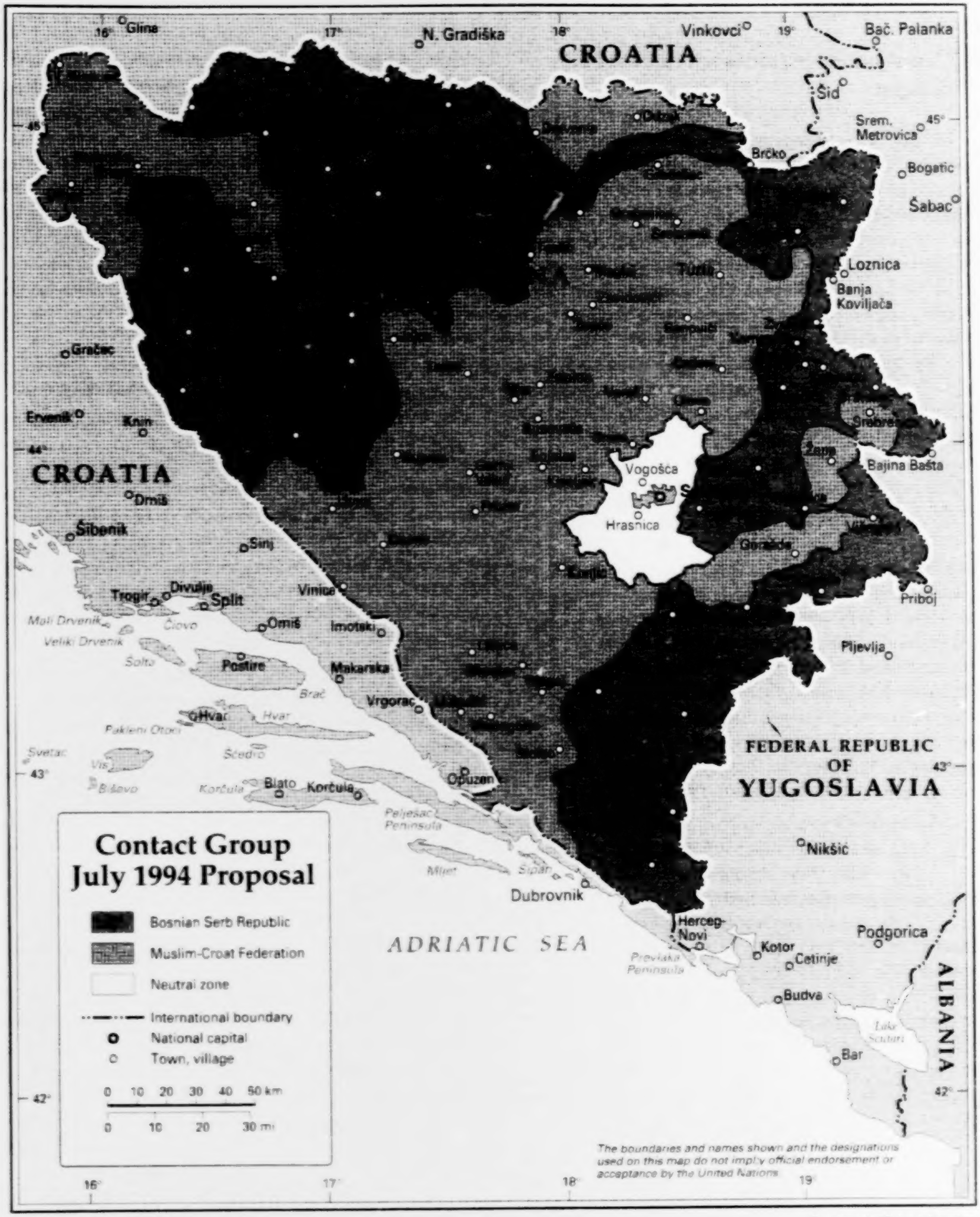
Contact Group
July 1994 Proposal
Bosnian Serb Republic
Muslim-Croat Federation
Neutral zone
International boundary
National capital
Town, village
0 10 20 30 40 50 km
0 10 20 30 mi
CROATIA
CROATIA
FEDERAL REPUBLIC OF YUGOSLAVIA
ALBANIA
ADRIATIC SEA
Glina
N. Gradiška
Vinkovci
Bač. Palanka
Šid
Srem. Metrovica
Brčko
Bogatic
Šabac
Loznica
Banja Koviljača
Tuzla
Vogošća
Hrasnica
Srebrenica
Žepa
Bajina Bašta
Goražde
Priboj
Pljevlja
Gračac
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Drniš
Šibenik
Sinj
Trogir
Divulje
Split
Vinica
Omiš
Imotski
Makarska
Vrgorac
Opuzen
Mali Drvenik
Veliki Drvenik
Čiovo
Šolta
Postire
Brač
Hvar
Hvar
Pakleni Otoci
Svetac
Vis
Biševo
Šćedro
Korčula
Blato
Korčula
Pelješac Peninsula
Mljet
Šipan
Dubrovnik
Herceg-Novi
Prevlaka Peninsula
Kotor
Cetinje
Budva
Podgorica
Nikšić
Bar
Lake Scutari
16°
17°
18°
19°
45°
44°
43°
42°
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V. Events of January-June 1995

A. Cessation of hostilities agreement and its collapse

175. During the last days of 1994 there was a sustained international effort to stabilize the situation on the ground. The efforts of the Special Representative of the Secretary-General were briefly joined by those of former President Carter of the United States, and culminated with representatives of the Bosnian Government and of the Bosnian Serbs concluding two agreements: a ceasefire agreement, signed on 23 December 1994, and a broader cessation of hostilities agreement, signed on 31 December 1994. The duration of the latter was intended to be four months. Two days after the signing of the cessation of hostilities agreement, the text, as negotiated by the Bosnian Government and the Bosnian Serbs, was presented to the Bosnian Croats in Mostar, who signed without seeking any amendments. Efforts were also made to bring the forces loyal to Fikret Abdić into the agreement, but these were not successful.

176. With the signature of the agreements, the situation in many areas of Bosnia and Herzegovina improved markedly for a while. Humanitarian convoys were able to move relatively freely after a period in which these had been heavily restricted. UNPROFOR was able to negotiate the reopening of the Sarajevo "blue routes" in February 1995, allowing thousands of civilians every day to move relatively freely from one part of the city to another. It was also able to negotiate stronger agreements for the supply of limited amounts of gas, electricity and water to the city.

177. Despite this improvement of the situation on the ground, there were areas of continued instability. Croat forces, which had long enjoyed a relatively stable relationship with the Bosnian Serbs, went on the offensive against the Serbs in the Livno Valley area, in the south-west of Bosnia and Herzegovina. This offensive continued methodically over the following months and culminated, on 29 July 1995, with the capture of Glamoč and Grahovo. The other area in which instability continued in spite of the ceasefire and the cessation of hostilities agreement was Bihać. In that area, forces loyal to Fikret Abdić were reinforced by the Croatian Serbs and were able to take ground at the expense of the Fifth Corps of the ARBiH.

178. Nor was the situation in Srebrenica stable. During the handover from one Netherlands battalion to another (Dutchbat-2 to Dutchbat-3), which formally took place on 18 January 1995, Serb forces to the west of the enclave encroached into the enclave, establishing new positions on the line that had been patrolled by Dutchbat-2. The Bosniacs urged UNPROFOR to re-establish the *status quo ante*. When the incoming Netherlands units were unable to do so, the Bosniac commanders responded by restricting UNPROFOR's access to the affected area, which became known as the Bandera triangle. On 27 January, elements of the new Netherlands battalion entered the area in spite of the Bosniac warning, after which the Bosniacs held approximately 100 UNPROFOR members hostage for four days. After this, Dutchbat-3 rarely patrolled in the Bandera triangle.

179. A further indication of the unsettled situation in Srebrenica came on 3 February, when the UNPROFOR Force Commander visited Srebrenica. He met with the Commander of Bosniac forces in the enclave, Naser Orić, who expressed a wish to return to Sarajevo with the General by helicopter. Asked why, Orić said that he wished to speak with President Izetbegović and the Bosnian Government leadership who were, in his view, preparing to negotiate away Bosniac control of Srebrenica as part of a peace deal. The UNPROFOR Force Commander was unable to accept. Orić eventually left the enclave, never to return, in April 1995.

180. As early as February 1995 the Serbs were beginning to further restrict the movement of international convoys to the eastern enclaves, particularly Srebrenica. Humanitarian convoys were affected, as were UNPROFOR convoys rotating troops and resupplying its forces. Apparently considering that the movement of international land convoys, which were subject to checks by Serb forces, was preferable to air resupply, the Serbs agreed to allow some convoy movement to Srebrenica. The new Commander of UNPROFOR in Bosnia and Herzegovina travelled to Srebrenica on 7 March, meeting with General Mladić in Vlasenica on his return trip. At the meeting, General Mladić indicated that he was dissatisfied with the safe area regime, and that he might take military action against the eastern enclaves. He also said that, should such attacks take place, he would nevertheless guarantee the safety of the Bosniac population of those areas. The UNPROFOR Commander warned him not to attack the enclaves, stating that such action would almost certainly lead to international military intervention against the Serbs. General Mladić was dismissive.

181. The situation in Sarajevo also began to deteriorate again at this time. Sniping incidents, which both sides had

reduced for some time, began to increase. One incident, in which two Serb girls were shot and killed in the Grbavica district of Sarajevo by a Bosniac sniper in March 1995, led the Serbs to close the blue routes. The Serbs also halted the Sarajevo humanitarian airlift on 8 April, alleging that UNPROFOR was violating the agreement of 5 June 1992 under which the Serbs had agreed to give control of the airport to UNPROFOR. As the situation in Sarajevo deteriorated, UNPROFOR casualties also began to rise, particularly among the French forces, who provided the largest contingent in Sarajevo.

182. On 31 March 1995, the Security Council decided to restructure UNPROFOR, replacing it with three separate but inter-linked missions in Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, with mandates extending until 30 November 1995. Known collectively as the United Nations Peace Forces (UNPF), with its headquarters in Zagreb, the three operations were under the overall command and control of the Special Representative of the Secretary-General (Yasushi Akashi). Under his authority, the Theatre Force Commander (referred to hereinafter as the "Force Commander") exercised overall command of military elements of the three operations, each of which had its own Commander. The operation in Bosnia and Herzegovina, headquartered in Sarajevo, retained the name of UNPROFOR. The Military Commander of United Nations forces in Bosnia and Herzegovina (referred to hereinafter as the "UNPROFOR Commander") continued to report directly to the Force Commander in Zagreb.

183. By the beginning of April 1995, the situation in Sarajevo, and throughout most of the country, had returned to one of general warfare. The Special Representative of the Secretary-General endeavoured, during April 1995, to negotiate an extension of the ceasefire and the cessation of hostilities agreement. All three sides, however, appeared committed to military options, and the negotiations failed. Croatian Government forces launched "Operation Flash" on 1 May 1995, precipitating the expulsion and flight of several thousand Croatian Serbs across the border into Serb-held territory in the Republic of Bosnia and Herzegovina, and triggering a new wave of "ethnic cleansing" in western Bosnia, where Bosniacs and Croats were evicted to make way for the influx of displaced Serbs.

184. As the military situation deteriorated, the Serbs further restricted access to the eastern enclaves, both for UNPROFOR and for the international humanitarian organizations. For the UNPROFOR units within the enclaves, this lack of access caused a degradation of their military capability, while for the local population the result was a further worsening of living conditions. The UNPROFOR Commander in Bosnia and Herzegovina proposed that the enclaves be resupplied by helicopter, with NATO air power to be used if the Serbs attempted to intercept any of the helicopters. His superior in Zagreb, the Force Commander, assessed that there was a considerable likelihood that the Serbs would indeed fire upon the helicopters, and thus sought the views of the Member States whose troops or air assets would be required to conduct the operation. Those States did not respond favourably.

B. Air strikes around Sarajevo

185. The situation in Sarajevo became a cause for particular concern. Eleven people, including both civilians and military personnel, were killed by a Bosnian Serb mortar round in the Sarajevo district of Butmir on 7 May 1995. The round had landed at the entrance to the narrow tunnel by which Bosniacs travelled out of Sarajevo to Government-held territory on Mount Igman and beyond. During the night of 7-8 May, the shelling continued, spreading into civilian areas of Sarajevo. The UNPROFOR Commander requested that air strikes be launched at Serb positions around Sarajevo, but this request was rejected by the Special Representative of the Secretary-General.

186. The differing assessments of the UNPROFOR Commander in Bosnia and Herzegovina, who was advocating a more robust response to Serb violations of the safe areas, and the Special Representative of the Secretary-General and the Force Commander, who both advocated a more cautious approach, became a matter of concern, which the Secretary-General addressed at a meeting with all three of them in Paris, on 12 May. The Secretary-General told them that he would always base his own decisions on the use of force on those of the United Nations leadership in the former Yugoslavia, but he expected to receive a consolidated, unified position. The Special Representative stressed that "the costs of a more robust use of force [were] high", and suggested instead that it might be more appropriate to seek a "drastic reduction" in the size and mandate of UNPROFOR. The Force Commander expressed his concern that UNPROFOR could, at any moment, be dragged into "an escalatory military adventure — a NATO aircraft may fire back at a radar, or air strikes could be called in a safe area. This [would] lead to hostages, and certain losses". He said that it would be an "error" to introduce air support to the mission in the prevailing circumstances.

187. The Force Commander addressed some of these issues during his briefing to the Security Council on 24 May 1995. He conveyed two concrete proposals to the Council which

were intended, in his view, to decrease UNPROFOR's exposure to hostage-taking. One of these proposals was to withdraw the UNPROFOR battalions from the eastern enclaves, and leave only United Nations military observers there. The other proposal was to withdraw the heavy weapons collection points in the total exclusion zone around Sarajevo, because monitoring them was both difficult and of dubious utility, and left UNPROFOR soldiers exposed and vulnerable across the total exclusion zone in BSA-held territory. A number of Security Council members interpreted these proposals differently. They expressed their strong concern that the UNPF leadership appeared to be averse, on principle, to using air power against the Serbs, other than in self-defence. They did not think that the peacekeeping mission would be willing to use air power in response to Serb attacks upon the safe areas; in the absence of such air support, the withdrawal of UNPROFOR troops from the enclaves would merely expose the latter to greater danger.

188. The situation around Sarajevo further deteriorated when, on 22 May, Bosnian Serb forces removed two heavy weapons from weapon collection points near the city. Bosnian Government forces then withdrew weapons of their own, and the fighting escalated. The Serbs withdrew three more heavy weapons and, on 24 May, the Special Representative made a statement emphasizing the seriousness of the situation. This was followed by a warning from the UNPROFOR Commander to both sides that they would be attacked from the air if all heavy weapons did not cease firing by 1200 hours local time the next day. A second deadline, 24 hours later, was established, before which the parties were instructed either to remove their heavy weapons from the heavy weapons exclusion zone or to place them in the collection points. Serb forces failed to comply, though some of their representatives later claimed that they were in the process of doing so.

189. The Special Representative authorized air strikes at 1620 hours local time on 25 May. At 1633 hours a NATO liaison officer informed the Special Representative that six NATO aircraft had attacked two ammunition bunkers in the vicinity of Pale. The Serbs again failed to comply, continuing to bombard Sarajevo. They also began retaliating against the safe areas and, in particular, against vulnerable civilian targets in other parts of Bosnia and Herzegovina. In Tuzla, an air burst weapon exploded in a crowded downtown area, killing 71 people, most of them young men and women, and injuring almost 200 others (S/1995/444, para. 12).

C. United Nations Protection Force hostage crisis

190. The Special Representative authorized a second round of air strikes the next day. Six ammunition bunkers were targeted in the complex that had been attacked on the previous day. At this stage the Serbs took several hundred United Nations hostages — mainly military observers and UNPROFOR military personnel stationed at the heavy weapons collection points around Sarajevo. By the afternoon of 26 May, over 400 United Nations personnel were either hostage, or were at locations in Serb-held territory from which they could not move and to which access was denied. A number of United Nations personnel were used by their Serb captors as human shields to deter further attacks on potential targets. Some of those captured were shown on Serb television, handcuffed to possible targets. Serb heavy weapons continued to fire from around Sarajevo, and from the heavy weapons collection points. The Serbs also cut the electricity supply to Sarajevo, which they largely controlled.

191. As word of the hostage-taking reached New York, the Secretariat recommended to the Special Representative that he take no further action to conduct air strikes under the UNPROFOR Commander's ultimatum, unless it was judged that a major violation had occurred in the exclusion zones, leaving no choice.

192. Early the next morning, on 27 May, Bosnian Serb forces, dressed in French uniforms and equipment, overran an UNPROFOR checkpoint controlling the strategic Vrbanja bridge in downtown Sarajevo. Eleven French peacekeepers were captured. Three hours later, the UNPROFOR Commander of Sector Sarajevo determined that "a line had to be drawn" and took the decision to respond decisively. French UNPROFOR forces counter-attacked, retaking the bridge, killing one Serb soldier and capturing three. Two French soldiers were killed, and two injured.

193. The Special Representative reported to Headquarters that the need not to further complicate the security situation in UNPROFOR was paramount. Given the threat to United Nations detainees and the determined mood of the Bosnian Serbs, he said, he had instructed the UNPROFOR Commander that, for the time being, the execution of the mandate was to be secondary to the security of United Nations personnel. The Commander passed this instruction on to his subordinates, ordering them, at the same time, to consolidate UNPROFOR positions in defensible locations, abandoning threatened positions in Serb-held territory where these could not be supported.

194. A series of conversations took place during this period of uncertainty between General Mladić and the UNPROFOR Commander. General Mladić insisted that UNPROFOR should return to "United Nations principles for the creation of peace". He described the UNPROFOR Commander's willingness to call on NATO air power "crazy and unreasonable". Mr. Karadžić wrote to the Secretary-General asking that "guarantees be given by the United Nations and NATO countries that the use of force is no longer an option". No such guarantees were given to Karadžić. However, the Force Commander reiterated to the UNPROFOR Commander that the release of the UNPROFOR hostages, and the security of all UNPROFOR forces in general, were his utmost priorities. Bearing in mind that the United Nations would soon be negotiating, or participating in negotiations on, the release of the hostages, the Force Commander emphasized that UNPROFOR must definitely avoid any action which could degenerate into confrontation, further escalation of tension, or the potential use of air power. His objective was to maintain political freedom to manoeuvre, thus allowing the political leadership to undertake negotiations that would lead to the release of the hostages and the signing of broader agreements.

195. The United Nations hostages were released in several groups between 2 and 18 June. Despite the public rhetoric that followed from the Serbs, the release of the hostages continued, owing perhaps to the intervention of President Milošević, with whom a number of international actors, including the Co-Chairmen of the International Conference on the Former Yugoslavia, interceded. As the release was under way, and immediately thereafter, a number of meetings took place between senior members of the international community and General Mladić. The first of these involved the UNPF Force Commander and was held at Mali Zvornik, in Serbia, on 4 June. Further meetings with General Mladić were held by a former UNPROFOR Commander (who was then serving as an adviser to the European Union negotiator for the former Yugoslavia) near Pale on 6 June, and again by the Force Commander on 17 and 29 June.

196. As the news of these meetings, which had not been announced to the media, became known, reports circulated that the Force Commander had entered into an understanding with the Serbs. It was reported that the hostages were being released in return for an undertaking that NATO air power would not be used against the Serbs again. The reports also noted that President Yeltsin of the Russian Federation had subsequently said that he had been assured by President Chirac of France that the use of air strikes in Bosnia and Herzegovina was over.[22] The Secretary-General of NATO, Willy Claes, wrote to the Secretary-General of the United Nations on 21 June, noting the public speculation that the freeing of the hostages had not been unconditional, and might have been accompanied by engagements or assurances concerning the further use of NATO air power. Mr. Claes sought clarification on this matter. The Secretary-General of the United Nations consulted his Special Representative, who replied that neither he nor the Force Commander had given any such assurances. This message was passed on to the Secretary-General of NATO.

197. On the basis of interviews conducted during the preparation of this report, it has been confirmed that the Force Commander met with General Mladić on those three occasions in June 1995. The main purpose of the meetings was to maintain a channel of communication with the BSA, because the UNPROFOR Commander in Bosnia and Herzegovina had severed contact with General Mladić, not wanting to be, or be seen conducting business with those responsible for taking troops under his command hostage. The Special Representative of the Secretary-General had concurred with this line of approach, and was aware on each occasion when the Force Commander went to meet General Mladić. The research conducted during the preparation of this report did not produce any facts suggesting that the Force Commander entered into an agreement with General Mladić on the release of the hostages or on the interruption of the use of air power against the Serbs.

198. General Mladić and the Force Commander did discuss the release of the hostages at their first meeting at Mali Zvornik, but it was apparently the former who had raised the subject. General Mladić had prepared an agreement for the Force Commander to sign, which established a linkage between the release of the hostages and the non-use of air power against the Serbs. The Force Commander communicated in writing to United Nations Headquarters, 11 days after the meeting was held, and in response to a query from the Secretariat, that he had refused to sign the agreement, and had instead told General Mladić that the Serbs' behaviour (the hostage-taking) was unacceptable. He had demanded the immediate release of the hostages.

199. The objectives of the meetings with General Mladić, from the Force Commander's perspective, were to convey and reach agreement on four main points. First, he felt it was essential for the Serbs to allow humanitarian aid to the safe areas. Second, he wanted General Mladić to open the Sarajevo airport. Third, he wanted to secure General Mladić's agreement to resupply by road the UNPROFOR troops in the enclaves. Fourth, he told General Mladić that the BSA must stop attacking civilian targets in the safe areas.

200. The Force Commander met again with General Mladić on 17 and 29 June. After the latter meeting, the Force Commander approached the UNHCR Chief of Mission, strongly encouraging UNHCR to accept an arrangement, proposed by General Mladić, for convoys to be allowed into Sarajevo on the condition that equal tonnages of food be distributed to Serb communities in eastern Bosnia. According to UNHCR, the Force Commander argued that accepting this arrangement, which UNHCR felt to be inequitable, would open a window of opportunity for political negotiations then being conducted by the European Union's Special Envoy for the former Yugoslavia (Carl Bildt, Lord Owen's successor). The UNHCR Chief of Mission refused, and UNHCR has since stated that it felt that it was being "bullied" by UNPF.[23]

D. Report of the Secretary-General of 30 May 1995 (S/1995/444)

201. As the hostage crisis was unfolding the Secretary-General submitted a major report to the Security Council, in which he addressed the broad themes of "the mandate, the attitudes of the parties and the security and safety of UNPROFOR" (S/1995/444, para. 3). The lengthy report included an extended discourse on the reasons for the United Nations not to use force in Bosnia and Herzegovina. The Secretary-General objected to the use of force, other than in self-defence, on three grounds: as a practical matter, because of restrictions in the mandate and as a point of principle.

202. Referring to the practical problems of UNPROFOR using force, the Secretary-General argued as follows:

> "The question of whether UNPROFOR is about peacekeeping or enforcement is not one that can be avoided ... nothing is more dangerous for a peacekeeping operation than to ask it to use force when its existing composition, armament, logistic support and deployment deny it the capacity to do so. The logic of peacekeeping flows from political and military premises that are quite distinct from those of enforcement; and the dynamics of the latter are incompatible with the political process that peacekeeping is intended to facilitate. To blur the distinction between the two can undermine the viability of the peacekeeping operation and endanger its personnel ... Peacekeeping and the use of force (other than in self-defence) should be seen as alternative techniques and not as adjacent points on a continuum, permitting easy transition from one to the other" (para. 62).

203. The Secretary-General noted that, when UNPROFOR had used force against the Serbs other than in self-defence, "the Bosnian Serb side quickly realized that it had the capacity to make UNPROFOR pay an unacceptably high price", particularly by taking hostages. He considered that the episodes in which UNPROFOR had used air power had "demonstrated the perils of crossing the line from peacekeeping to peace enforcement without first equipping the Force with the manpower, armament, logistic and intelligence capacity and command and control arrangements that would give the necessary credibility to its threat to use force by showing that it had the ability to respond decisively to any hostile action" (para. 63).

204. Moving from practical reasons not to use force to legal ones, the Secretary-General gave his interpretation of the relevant section of Security Council resolution 836 (1993). "Resolution 836 (1993) referred to Chapter VII, but paragraph 9 defined the parameters for the use of force as being 'in self-defence' and the mandate given to UNPROFOR did not include any provision for enforcement" (para. 33). This view appears to be at variance with earlier directives to UNPROFOR from the Secretariat that air power could be used in self-defence, and also in reply to bombardments against the safe areas, in response to armed incursions into the safe areas, and to neutralize attempts to obstruct the freedom of movement of UNPROFOR forces or humanitarian convoys (see para. 111 above). This broader interpretation was not explicitly endorsed by the Security Council.

205. Concluding his arguments against the use of force, the Secretary-General made a final statement of principle, referring to "three interconnected objectives, which represent the very essence of the United Nations: the quest for peace, the protection of human life and the rejection of a culture of death. These objectives will take time to attain and they will be attained only through the successful use of non-military methods" (para. 80).

206. The Secretary-General presented the Council with four options for the way forward:

Option A: To withdraw UNPROFOR, leaving at the most a small political mission, if that was the wish of the parties;

Option B: To retain UNPROFOR's existing tasks and the methods used to implement them;

Option C: To change the existing mandate to permit UNPROFOR to make greater use of force;

Option D: To revise the mandate so that it would include only those tasks that a peacekeeping operation could reasonably be expected to perform in the circumstances prevailing in Bosnia and Herzegovina.

207. The Secretary-General made it clear that he opposed options A, B and C, favouring instead an arrangement under which UNPROFOR would abandon "any actual or implied commitment to use force to deter attacks" against the safe areas, and under which force, including air power, would be used only in self-defence.

208. The Secretary-General recognized that the safe areas were often violated, but argued that "the only effective way to make the safe areas, as well as other areas of Bosnia and Herzegovina, truly safe, pending a comprehensive political solution achieved through negotiations, is to define a regime acceptable to both parties ..." (para. 41). He repeated his view, laid out in full in a report six months earlier, that all the safe areas should be demilitarized. He did not, however, address the concern, expressed by many, including the United Nations High Commissioner for Refugees and the UNPROFOR Commander in Bosnia and Herzegovina, that the eastern enclaves would not be safe from Serb attacks under any circumstances, because the occupation of those territories was central to Serb war aims.

209. Once again, the Security Council was divided on how to respond to the Secretary-General's assessment of the deficiencies in the safe area policy and on his proposed adjustments to it. As a result, it did not respond at all.

E. Bosniac attempt to break the siege of Sarajevo and its consequences for the United Nations

210. The Army of the Republic of Bosnia and Herzegovina undertook a significant restructuring exercise during the first half of 1995. The ARBiH, with approximately 200,000 men in uniform, had long enjoyed an advantage in manpower over the Bosnian Serb Army, particularly in light infantry. UNPROFOR and other observers assessed, however, that this advantage had been offset by BSA advantages not only in heavy weapons and *matériel*, but also in command, control, communications, intelligence, discipline, logistics and other areas where the Bosnian Serbs could fall back on a large cadre of professional military officers. The ARBiH reorganization of early 1995 went some way towards redressing the weaknesses of that force.

211. Bosniac leaders made a number of public statements in the spring of 1995, to the effect that Sarajevo would not endure another winter under siege. The reorganized ARBiH began a series of attacks aimed at breaking out of Sarajevo on 16 June, across the narrow belt of surrounding Serb-held territories, intending to connect the city to the main body of Government-held territory to the north and west. Sarajevo-based units attacking out of the city were joined by forces from central Bosnia attacking the Serb cordon from outside. Government forces took some ground in the early stages of the offensive, but were then thrown back with relative ease by the Serbs, sustaining heavy casualties.

212. In response to the Bosniac attempt to break the siege of Sarajevo, which had been in violation of Security Council resolution 913 (1994), the Serbs stopped almost all movement into and out of the city, including that of humanitarian aid. Fearing a humanitarian disaster in the city, UNPROFOR and UNHCR activated a plan to bring humanitarian assistance into Sarajevo without the consent of the Serbs. The UNPROFOR Commander had presented the plan for this operation to the Force Commander in May, when the situation was less dire. It had been rejected by the Force Commander at the beginning of June, however, on the grounds that it was too confrontational. In the face of a worsening humanitarian situation, the plan was later approved. Beginning on 2 July, United Nations convoys bringing aid from the Croatian coast travelled over Mount Igman and across Sarajevo airport and into the city. The convoys were exposed to direct fire from Serb positions for several kilometres and were obliged, on the final approaches to the city, to pass within several hundred metres of the Serb front lines. Serb forces engaged the convoys, causing UNPROFOR to fire back with light and heavy weapons.

F. Rapid reaction force

213. Mindful, in the wake of the hostage crisis, of the need to have greater protection for their troops on the ground, the Governments of France and the United Kingdom announced their intention to contribute troops to an international "theatre reserve" or "rapid reaction force", to give UNPROFOR a capacity for more robust action. The sense that a ground force option was needed was reinforced on 2 June when a United States F-16 aircraft, on routine patrol in the airspace of Bosnia and Herzegovina, was brought down by a Serb anti-aircraft missile. European and NATO Defence Ministers met in Paris on 3 June to discuss the composition, deployment and mandate of such a force. It was agreed that the new force would comprise two heavily armed

brigades, drawn principally from France and the United Kingdom, but also including significant elements from the Netherlands.

214. Meeting in Paris, the United Nations representatives, the Co-Chairman of the International Conference on the Former Yugoslavia (Thorvald Stoltenberg) and the Force Commander insisted that the new force should operate under peacekeeping rules of engagement. Concern was expressed about the possibility that, bolstered by the new force, UNPROFOR might find itself "being sucked into the war", or that it might slide into peace enforcement. The Force Commander stressed that, even with the new Force, UNPROFOR should not be expected to open and secure corridors to the safe areas. Writing to United Nations Headquarters, the Special Representative of the Secretary-General also expressed scepticism about the new force. He said that the "theatre reserve", while improving considerably UNPROFOR's ability to respond to local incidents, would not alter the overall force ratios on the ground. Military constraints, the Special Representative argued, as well as the mandate and rules of engagement, required that UNPROFOR should continue to rely on negotiations as the initial and primary response to incidents on the ground. He said that the new force should avoid undertaking activities to which the parties, as a matter of policy, were opposed. He was particularly concerned that the theatre reserve should not be employed, in the absence of fundamental consent, to hold open routes to Sarajevo and other enclaves, to guarantee the safety of the Sarajevo airport, to force aid over long distances, or to compel the parties to comply with exclusion zones or other agreements. The Secretariat shared the Special Representative's concerns and his view of how the rapid reaction force should be used.

215. The UNPROFOR Commander in Bosnia and Herzegovina, however, viewed matters differently, arguing that the new force should be used to help implement the UNPROFOR mandate. In the absence of any willingness of his superiors to use the force for fighting and directly implementing the mandate, he said that he would prefer not to have it at all. At the same time, he was seeking to avoid future hostage-taking by the Serbs, removing as many UNPROFOR troops as possible from Serb-held territory.

216. The differences between the Force Commander in Zagreb and the UNPROFOR Commander in Bosnia and Herzegovina grew increasingly open, and on 9 June, the Special Representative of the Secretary-General convened a meeting in Split with both of them. According to the notes on the meeting, the Force Commander stated that confrontations with Serbs should be avoided, so that the political process could begin. He opined that the Serbs did not appear to want to provoke a crisis, and instead sought to modify their behaviour to be more acceptable interlocutors. He said that the Serbs were seeking two things, international recognition and a softening of the blockade on the Drina. Speaking of the rapid reaction force, the Force Commander stated that it could help UNPROFOR with self-defence, but it could not open corridors to Srebrenica, Goražde or even Sarajevo. The Special Representative agreed with the Force Commander's assessment, stressing that the rapid reaction force should be used according to peacekeeping principles, using force only in self-defence. He also opposed the name "rapid reaction force" which, he felt, was too confrontational, preferring instead the term "theatre reserve". The Secretariat did not agree with the proposal to change the name, but did concur with the Special Representative's concerns that it not be used as an offensive weapon.

217. The UNPROFOR Commander in Bosnia and Herzegovina argued that the only use for the rapid reaction force would be to open corridors to the Bosniac-held enclaves, including not only Sarajevo but also Srebrenica, Žepa and Goražde. He repeated that, if there were no political backing to use the rapid reaction force to open such corridors, he would rather not have it at all. The Force Commander insisted that the United Nations could not impose a solution, such as a corridor, and that UNPROFOR could achieve that only through political negotiation. The UNPROFOR Commander replied that he saw no prospect of the parties agreeing to such routes, and that it would be a waste of time to even attempt to negotiate such a deal. He said that UNPROFOR would have to be prepared to fight, otherwise it would always be "stared down by the Serbs". The Force Commander did not necessarily disagree in principle, but he believed that UNPROFOR did not have the means to do so.

218. Throughout June 1995, the discussion over the use of the rapid reaction force continued. The Secretariat briefed representatives of the troop-contributing countries on 12 June, telling them that the Force Commander was "very conscious of the dividing line between peacekeeping and peace enforcement and [had] no intention to cross it". The Special Representative of the Secretary-General reported to New York that it remained the assessment of the Force Commander that the addition of one mortar battery on Mount Igman, and the availability of one mechanized infantry battalion with two batteries of artillery, did not provide sufficient tactical superiority in the Sarajevo area to hold open a corridor.

219. The Special Representative, conveying what he considered to be the shared views of the Force Commander

and the Secretariat, wrote to Mr. Karadžić on 19 June, as follows:

> "I wish to assure you that these theatre reserve forces will operate under the existing United Nations peacekeeping rules of engagement and will not in any way change the essential peacekeeping nature of the UNPROFOR mission. While the reserve will enhance UNPROFOR's security, the understanding and cooperation of the parties themselves will be the best guarantor of the Force's continued effectiveness as an impartial force."

The Permanent Representative of the United States issued a statement protesting about this letter, stating that "the method, timing and substance of this letter are highly inappropriate".[24]

220. On 6 July, the day the Serb attack on Srebrenica began, the Secretariat met again with troop contributors, repeating that the rapid reaction force would not be used for peace enforcement. The Force would be used "to assist UNPROFOR forces to carry out their peacekeeping mandate. The Force will not have any function outside of this role".

G. Fighting around Srebrenica

221. The military situation in and around Srebrenica had been generally calm since the agreements of 18 April and 8 May 1993. During the two years between May 1993 and May 1995, neither side had made any significant attempt to capture territory. There was, however, constant friction between the Bosniacs and the Bosnian Serbs as to the exact borders of the enclave, which had been exacerbated by the fact that UNPROFOR had apparently misplaced a map that had been agreed between the parties on 8 May 1993. There were frequent exchanges of small-arms fire in the disputed areas and occasional efforts by the Serbs to push the line of actual control inward, as had happened in January 1995 during the rotation of Netherlands forces. The Bosniacs vigorously accused UNPROFOR of having abandoned strategic territory to the Serbs.

222. Limited fighting around the Srebrenica enclave had also been associated with the movement of Bosniacs between the enclaves of Srebrenica and Žepa. Bosniacs moved frequently across the narrow belt of land separating the enclaves, and these Bosniac parties would occasionally be intercepted by Serb patrols, with whom they would exchange fire. There were also exchanges of fire associated with the helicopter flights which were operated by the Bosniac authorities between Žepa and the main body of Bosniac-held territory some 50 km to the west. In one incident, in May 1995, Serb forces succeeded in shooting down a Bosniac helicopter near Žepa, after which the flights were suspended.

223. In June 1995 the period of relative military inactivity came to an end. On 1 June a Serb raiding party entered the enclave, ambushed and reportedly killed a number of Bosniac civilians. On the same day, the BSA instructed UNPROFOR to move observation post Echo, an UNPROFOR position on the southern boundary of the enclave, in order to give the Serbs unrestricted use of a strategic road just south of the enclave. UNPROFOR refused to relocate, and on 3 June the Serbs attacked the position with hand-held weapons, mortars and anti-tank weapons. OP Echo was surrendered, despite the Dutchbat Commander's request for close air support to defend it. The request did not reach UNPF headquarters in Zagreb, but appears to have been discouraged further down the chain of command, bearing in mind that hundreds of UNPROFOR personnel remained hostage. The Netherlands battalion nevertheless established two new positions, known as OP Sierra and OP Uniform, next to where OP Echo had been located. The Serbs were taken aback by the move. Moreover, following the capture by the Serbs of OP Echo, Dutchbat agreed to certain measures which seemed to acknowledge that the demilitarization agreements of 1993 were no longer functioning. They agreed that the Bosniacs could carry weapons openly and that they could occupy positions between the UNPROFOR observation posts, but not immediately in front or behind them, as such a move might endanger UNPROFOR personnel. It appears that these decisions were taken locally, unbeknown to UNPF headquarters.

224. The Bosniac leadership within the safe area of Srebrenica was divided as to how to deal with the Serb attack on OP Echo and with what they perceived to be UNPROFOR's inability, or unwillingness, to maintain the perimeter of the enclave. A majority of the members of the Srebrenica War Presidency (comprising its civilian and military leaders) appear to have favoured the maintenance of a relatively passive posture. At a special session of the War Presidency, however, the late Ramiz Bećirović, Chief of Staff of the Twenty-eighth Division, stated that he had received an instruction from the General Headquarters of the ARBiH, relayed through ARBiH Second Corps Headquarters at Tuzla, to conduct diversionary attacks outside the Srebrenica enclave, to draw Serb forces away from the Sarajevo front. He showed a copy of the order to those present, who have since confirmed its contents. Several members of the Srebrenica War Presidency expressed the

view that it was mistaken to undertake any military activities which the Serbs could use as a pretext for further attacks of their own.

225. In response to the order, a raiding party of Bosniacs, under the leadership of Zulfo Tursunović, attacked the Serb village of Višnjica, 5 km west of the western edge of the Srebrenica enclave. During the attack in the early morning of 26 June, several houses were burned, and either two people were killed, according to Bosniac sources, or four, according to Serb sources. (Approximately 100 sheep were also stolen and taken back to Srebrenica, where they were subsequently eaten.) The attack, although relatively minor in comparison to the Serb attacks which preceded it, led to strong Serb condemnations. Serb army spokesman Milutinović stated that it was the job of UNPROFOR to prevent such operations, and that the attack therefore demonstrated that "the United Nations forces are aligning themselves with the Muslim army".[25] General Mladić stated to UNPROFOR that Bosniac attacks from Srebrenica "brutally violate the status of the safe area of Srebrenica. Due to that fact, I strongly protest and warn you that we will not tolerate such cases in the future".[26] Mladić failed to mention what UNPF had reported to United Nations Headquarters three days prior to the raid on Višnjica, namely, that the BSA had apparently fired 20 shells into Srebrenica town, killing one woman and injuring another two civilians.

VI. Overview of deployment in Srebrenica: February-July 1995

226. Dutchbat-3 (hereinafter referred to as "Dutchbat") had taken over from Dutchbat-2 on 18 January 1995. The new battalion comprised approximately 780 personnel of all ranks, of which some 600 were deployed in the Srebrenica "safe area". Dutchbat within the enclave consisted of the battalion headquarters, two infantry companies (B and C Companies), a reconnaissance platoon (with commando personnel), two security platoons, an engineer platoon, a detachment from the Explosive Ordnance Disposal Command, and two Forward Air Controller teams. In lay terms, approximately 300 of those 600 personnel were infantry soldiers, the remainder serving in various support capacities.

227. The battalion headquarters was based at Potočari, a village located 6 to 7 km north of Srebrenica town, and less than 2 km south of the "Morrillon Line" (the boundary of the safe area, as negotiated in April-May 1993). C Company was co-located with the battalion headquarters at Potočari, and maintained five observation posts (Alpha, November, Papa, Quebec and Romeo) in the northern portion of the enclave. B Company was located in Srebrenica town, and maintained three observation posts (Charlie, Echo and Foxtrot) in the southern portion of the enclave. These eight observation posts were thus the main points from which to observe incursions into and out of the enclave along its approximately 50 km boundary. Owing in part to a shortage of manpower, complete coverage of the enclave perimeter was not possible. Significant blind spots existed in a number of areas, particularly along the western portions of the perimeter. (See the map at the end of this chapter.)

228. Each of the eight observation posts was manned by an average of seven soldiers, generally equipped with an armoured personnel carrier (APC), with a 0.50-calibre heavy machine-gun set atop. In addition, the observation posts typically had one TOW anti-tank weapon mounted on top, a number of shoulder-launched AT-4 anti-tank rockets, along with the side arms and automatic weapons which each soldier carried. The observation posts were not constructed as defensive positions from which to block or repel an attack into the enclave, but rather as positions from which to observe movements in the area. They were painted white and were clearly marked with United Nations flags. They were generally manned around the clock and were used as a point from which to conduct regular patrols in the area.

229. The first crisis which the Dutchbat faced was upon deployment in January 1995, during the stand-off in the Bandera triangle (described in para. 178 above). Following that crisis, they had established a ninth observation post, OP Mike, near Simici. The second crisis they faced emerged in mid-February 1995 and continued to worsen until the departure of the battalion in late July 1995. During this time surrounding Bosnian Serb forces tightened their squeeze on the enclave, whose fuel supplies were halted on 18 February. Unable to secure the fuel with which to operate their vehicles, Dutchbat added another three observation posts (Delta, Hotel and Kilo) from which they conducted foot patrols.

230. In contrast to the lightly armed Netherlands peacekeepers, the Serbs were prepared for war. They used 1,000 to 2,000 well-equipped soldiers from three brigades of the BSA Fifth "Drina" Corps to maintain the siege around the enclave. Additional units, including reconnaissance and special forces, could be brought in from other areas when needed. The Serbs were armed with tanks, tracked armoured vehicles, artillery and mortars. They had a well-developed system of command, control and communications, as well as superior capabilities in basic intelligence, information and psychological operations. The Serbs were also well supplied, and officers were paid with funds provided by the Yugoslav Army. Combined with their control of the most important strategic positions, the BSA was assessed to enjoy an overwhelming military advantage over the Bosnian Government forces in the enclave. Although the Bosniacs were numerically superior (3,000 to 4,000 men in the Twenty-eighth Division), they had no heavy weapons, with the exception of a small number of anti-tank missiles that had been smuggled in (but which, it turned out, they did not know how to operate), and some light mortars. The Bosniacs were poorly trained and, owing to the demilitarization agreements of 1993, conducted few operations or exercises. Command was fragmented, discipline was weak, morale was low, communications and logistics were largely non-existent. Their combat readiness was further impaired by UNPROFOR, which attempted to disarm any armed Bosniac it came across, though with limited success.

231. Bosnian military and civilian authorities at the highest levels now openly acknowledge that the Bosniacs, like the Serbs, were not fully compliant with the demilitarization agreements of 1993. However, a number of military experts interviewed in the context of this report, including members of Dutchbat, assess that the ARBiH in Srebrenica posed no significant military threat to the BSA. Members of Dutchbat indicated that they would often hear, and report on, exchanges of small arms fire, but they were rarely able to establish which side had initiated the exchange and were

seldom able to confirm casualties. The Serbs claimed at the time that tens to hundreds of BSA soldiers were killed during Bosniac raids out of the enclave in 1995. However, they would not allow Dutchbat personnel to go to the alleged scenes of the attacks to verify casualties. It appears that the most substantial military operation conducted by the Bosniacs of Srebrenica during the safe area period was the raid on Višnjica (described in para. 225 above).

232. Other than Dutchbat, the international presence in the enclave was limited. UNPROFOR had deployed three United Nations military observers and three Joint Commission Officers. UNHCR maintained an office, but by mid-1995 it was staffed only by locally recruited personnel, as was the ICRC presence. The one non-governmental organization active in Srebrenica, Médecins sans Frontières (MSF), maintained a small cadre of international medical staff. Lastly, the Government of Sweden had assisted in providing accommodation for roughly 3,000 displaced persons in a location in the southern portion of the enclave, known as the "Swedish Shelter Project"; however, it was not managed by international personnel at that time.

233. The BSA continued to tighten their squeeze on the safe area from mid-February onward, progressively limiting the already restricted flow of humanitarian aid into the enclave, and constraining the provision of supplies to Dutchbat. The day after OP Echo fell, on 3 June, the Dutchbat Commander expressed his frustrations to his superiors. He wrote: "the Dutchbat is not able to execute any action nor can it respond to the deteriorating situation ... being hostage of the BSA for over more than three months, something has to be done". He bemoaned the decision to withdraw from OP Echo, which he felt would open the way for the BSA "to proceed with their offensive operations with only one objective: the Jadar Valley". He explained that the BSA capture of the Jadar Valley in the southern junction of the enclave would expose the approximately 3,000 refugees in the nearby Swedish Shelter Project to certain expulsion. Thus, he justified having taken the step of establishing two new observation posts (Sierra and Uniform) within the immediate proximity of where OP Echo had been, though he realized that this might provoke the BSA.

234. The Dutchbat Commander also expressed exasperation at the humanitarian situation. He stated that the warehouses in the enclave would be empty within days. He continued: "Schools have been closed since the shelling of Srebrenica lately. Smuggling routes have been closed. Many inhabitants [have] left their houses and moved towards the city. Therefore these developments are most critical and tension has grown to a maximum. Both civil and military authorities are desperate and do not foresee any suitable solution ... As Commanding Officer of Dutchbat, I would like, on behalf of the population of the enclave of Srebrenica, to ask the superior commands and the United Nations to make a plea for this deteriorating situation in any way and to give the battalion all possibilities to implement better living conditions."

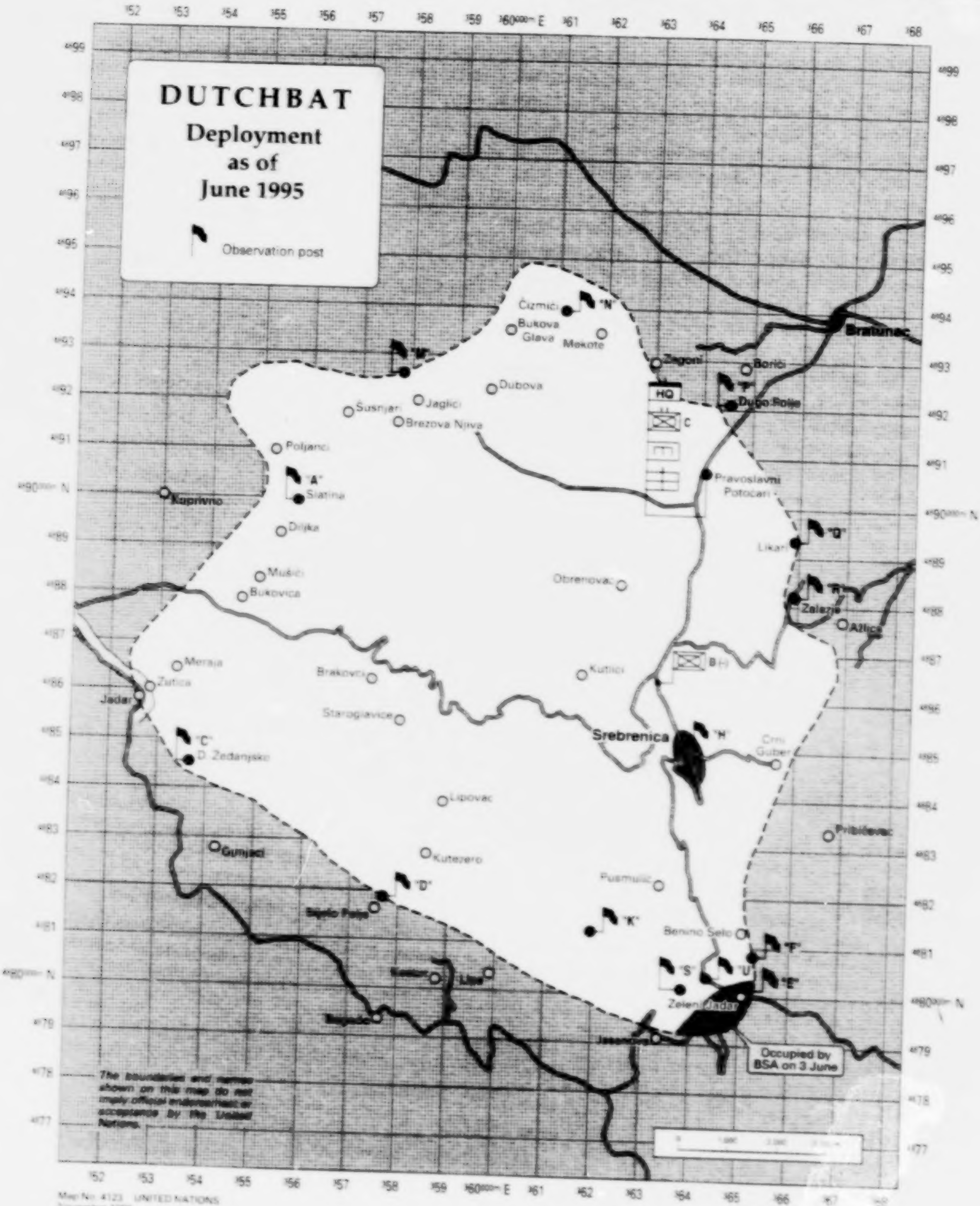
235. Three weeks later, the Dutchbat Commander forwarded another plea. He complained that, since 26 April, the BSA had not allowed a single member of his battalion to leave the enclave or enter it. (Thus, those who had gone on leave previously were unable to return — lowering the battalion's strength by approximately 150 soldiers.) He added that there had been no food delivered in March. No fresh food, dairy products, flour products or meat had been brought into the enclave since May. The BSA had also continued their now four-month-old restrictions on spare parts and engineering equipment being brought in for the battalion. They also blocked supplies of fuel for UNPROFOR, which resorted to borrowing fuel from UNHCR, and to replacing vehicle patrols with foot patrols. These conditions had brought the Dutchbat Commander to the following conclusion: "My battalion is no longer willing, able and in the position to consider itself as being impartial due to the ... policy of the Bosnian-Serb government and the BSA. This long-lasting and severe situation is no longer acceptable for the soldiers. Therefore, it is my strongest opinion that this Bosnian-Serb government should be blamed for it in the full extent as well as for the consequences in the future." It does not appear that either of these two reports reached the leadership of UNPF. Nevertheless, UNPF and the United Nations Secretariat were already concerned about the seemingly hopeless situation in which UNPROFOR found itself in the eastern enclaves. In addition, the Secretariat would once again face the difficult task of finding another troop contributor to send a battalion to Srebrenica, as the Netherlands had expressed its wish not to replace Dutchbat-3 when it finished its tour in Srebrenica the following month. The United Kingdom, too, gave indications that it would soon want to redeploy its troops out of Goražde and consolidate them in other parts of Bosnia.

236. Despite heightened concerns about the long-term situation in Srebrenica, UNPROFOR believed that significant military activity would be directed elsewhere in the immediate term. The United Nations military observers from Sector North-East reported that, during the week of 25 June to 2 July 1995, the military situation around the Srebrenica enclave was less tense than in previous weeks. Fifty members of an elite BSA reconnaissance unit, the "Drina Wolves" had been seen moving around the south-east portion of the confrontation line in the area of OP Echo

towards Jasenova. This movement was not assessed to be an indicator of a forthcoming offensive action, but perhaps an attempt by the BSA to intimidate the Bosniac refugees at the Swedish Shelter Project. The prevailing assessment at the time was that any potential military confrontation in the sector would most likely be in the Posavina area and the Majevica Hills in the western portion of the sector, and not around Srebrenica.

237. This assessment initially proved to be correct. On 4 July, UNPROFOR recorded a total of 491 detonations in Sector North-East, of which only 47 occurred in the area around Srebrenica, compared with 111 in the Doboj finger and 92 in the Majevica Hills. On 5 July, the number of detonations decreased to 254, again mainly concentrated in Doboj, Nisici and the Majevica Hills. Only six detonations were reported around Srebrenica. By the end of the day, on 5 July, none of UNPROFOR's elements at various levels had reported any activity around the Srebrenica area which might have suggested the possibility of an imminent offensive action. All of the United Nations personnel interviewed in the context of this report also stated that they were not provided with any intelligence gathered by NATO or national governments about the possibility of an imminent BSA attack upon Srebrenica. In his daily report to the Secretariat, the Special Representative of the Secretary-General noted that the most significant military event in the mission area on 5 July was an air attack by an unidentified aircraft against the Kostela power plant in the Bihac pocket. The Special Representative did, however, raise the precarious humanitarian situation in Srebrenica. UNPROFOR civil-military operations assessed that the one humanitarian convoy that had managed to get through to Srebrenica during the first week of July would only provide very temporary relief and that regular convoys were required to alleviate the humanitarian situation. UNHCR reported that it had been able to meet only 30 per cent of the food target for Srebrenica in June 1995, owing to BSA restrictions on humanitarian convoys into the enclave.

238. During the preparation of this report, only two sources were able to recall any possible signs of an imminent attack on Srebrenica, and at that, only in the days immediately preceding the offensive that was to come. An UNPROFOR officer in Sector North-East recalled the ARBiH having mentioned to his staff that there had been some unusual BSA troop movements in the Srebrenica area, though they could not tell for what purpose. On the basis of this information, UNPROFOR elements were requested to investigate the matter, but they could not verify the reports. In another instance, an international humanitarian worker (not based in Srebrenica) recalled having heard rumours, some time earlier, that the Serbs might be planning to "shrink the pocket". He mentioned this to a colleague based in Srebrenica, adding that if he ever saw anything which might substantiate the rumours, he would send him a short coded message: "Say hello to Ibrahim". On 4 July, while escorting a humanitarian convoy, he saw what appeared to be military preparations from Karakaj (where he crossed into Bosnian Serb-held territory from Serbia) down to Bratunac. He saw some heavy weapons and tanks, and, near Bratunac, tank tracks. On the basis of that, he contacted his colleague in Srebrenica that day, asking him to "say hello to Ibrahim". This signal of concern was passed on to Dutchbat.


DUTCHBAT
Deployment as of June 1995
Observation post
"N"
Čizmići
Bukova Glava
Mekote
"M"
Zagoni
Borići
Bratunac
HQ
C
"P"
Dugo Polje
Dubova
Šušnjari
Jaglici
Brezova Njiva
Poljanci
"A"
Slatina
Kuprivno
Diljka
Pravoslavni Potočari
"Q"
Likari
"R"
Zalazje
Alčići
Mušići
Bukovica
Obrenovac
Meraja
Žutica
Jadar
Brakovci
Kutlići
B-H
Staroglavice
Srebrenica
"H"
Crni Guber
"C"
D. Žedanjsko
Lipovac
Pribićevac
Gunjaci
Kutezero
Pusmulići
"D"
Bijelo Polje
"K"
Benino Selo
"F"
"S"
"U"
"E"
Zeleni Jadar
Jasenova
Occupied by BSA on 3 June
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.
560000m E
4490000m N
4480000m N

Map No. 4123 UNITED NATIONS
November 1999

Department of Public Information
Cartographic Section

VII. Fall of Srebrenica: 6-11 July 1995

The United Nations has hitherto not publicly disclosed the full details of the attack carried out on Srebrenica from 6 to 11 July 1995. The account which follows has now been reconstructed mainly from reports filed at that time by Dutchbat and the United Nations military observers. The accounts provided have also been supplemented with information contained in the Netherlands report on the debriefing of Dutchbat, completed in October 1995, and by information provided by Bosniac, Bosnian Serb and international sources. In order to independently examine the information contained in various secondary sources published over the past four years, as well to corroborate key information contained in the Netherlands debriefing report, interviews were conducted during the preparation of this report with a number of key personnel who were either in Srebrenica at the time, or who were involved in decision-making at higher levels in the United Nations chain of command.

A. 6 July: attack on observation post Foxtrot and shelling of Srebrenica; request for close air support discouraged; request of the Army of the Republic of Bosnia and Herzegovina for access to weapons turned down

239. The Bosnian Serb Army launched their attack on Srebrenica in the early morning hours of 6 July. Fighting took place at a number of points on the perimeter of the enclave, and shells exploded at various locations within the enclave. The main axis of attack, however, was from the south. Five rockets impacted within 300 m of the Dutchbat headquarters in Potočari shortly after 0300 hours. An hour later, B Company reported heavy firing between Serbs and Bosniacs in the Bandera triangle. At 0434 hours, the BSA launched artillery attacks on several Bosniac positions within the enclave, followed by an exchange of small-arms fire. By 0500 hours, OP Hotel reported the presence of BSA tanks to its south-east. Shortly after, OP Foxtrot, at the south-eastern edge of the enclave, reported that the BSA had fired tank rounds at a nearby ARBiH position. Tank rounds had impacted within 100 m of the Dutchbat position. Firing continued and two further tank rounds impacted between the observation post and the ARBiH position. By the morning of 6 July, Dutchbat was facing the worst attack on the enclave during its deployment.

240. Ramiz Becirovic, acting Commander of Bosniac forces in Srebrenica, asked the UNPROFOR Battalion Commander to give the Bosniacs back the weapons they had surrendered as part of the demilitarization agreements of 1993, but this request was refused. One of the Dutchbat Commander's superiors, with whom he consulted on this decision, has since stated that he supported the decision not to hand back the weapons, because "it was UNPROFOR's responsibility to defend the enclave, and not theirs' ... We didn't want to escalate the situation further by bringing the BSA and ARBiH into direct fighting". Serb firing continued. At 0800 hours, OP Delta reported that several M-30 rounds had been fired to their north-east, though they could not confirm where they had landed. Over the next four hours Dutchbat recorded BSA shells landing at various locations, though mainly in the south-eastern, eastern and northern parts of the enclave.

241. OP Foxtrot was directly targeted by a Serb tank at 1255 hours, with one round impacting on the defence wall of the observation post. At about the same time, Dutchbat also reported that one civilian had been killed and another seriously wounded when two Serb shells impacted near the road between Potočari and Srebrenica. As these events were unfolding, the Dutchbat Commander telephoned reports through to Sector North-East headquarters in Tuzla and to UNPROFOR's Bosnia and Herzegovina Command in Sarajevo.

242. UNPROFOR headquarters in Sarajevo informed UNPF headquarters in Zagreb that there had been "sporadic" shelling and firing in the southern part of the enclave, and that several shells had impacted close to a collective centre for refugees. Shortly after 1300 hours, Dutchbat headquarters went to alert state "red", and personnel were ordered to the bunkers. At 1320 hours, a BSA tank round hit the watchtower of OP Foxtrot causing considerable damage. At 1340 hours, two BSA tank rounds fired directly at OP Foxtrot narrowly missed.

243. Some time between 1300 and 1400 hours, the Dutchbat Commander verbally requested the deployment of close air support in response to the direct attack on OP Foxtrot to his immediate superior, the acting Commander of Sector North-East (Tuzla) (coincidentally from the Netherlands). Sector North-East approved the request and verbally passed it on

to UNPROFOR headquarters in Sarajevo, the next level in the chain of command. As the UNPROFOR Commander was absent on leave during these events, the UNPROFOR Deputy Commander and Head of Sector Sarajevo (France) was the ranking UNPROFOR officer in Bosnia and Herzegovina. However, the majority of communication between UNPROFOR Bosnia and Herzegovina Command and Dutchbat during the crisis was handled by the UNPROFOR Commander's Chief of Staff (Netherlands). The UNPROFOR Chief of Staff discouraged the request because, as he has since explained, he did not believe that the Force Commander's criteria on the use of air power, which in his view were very restrictive (to be used only as a last resort), had been met. His superiors in Zagreb, the Chief of Land Operations, and the Force Commander's Chief of Staff (both of whom were also from the Netherlands), apparently concurred with this assessment, during this stage of the attack.

244. UNPROFOR's position in the enclave continued to deteriorate during the early afternoon. At 1410 hours, the BSA again fired two tank rounds at the observation post, narrowly missing it. At 1432 hours, two heavy weapons located near OP Papa aimed their barrels at the Dutchbat compound in Potočari. At 1442 hours, three rounds fired by the BSA tank impacted within 50 m of OP Foxtrot. Shortly after, however, the BSA shelling of the "safe area" and the direct targeting of United Nations personnel stopped. There had been no close air support, and UNPROFOR had not returned fire at the BSA. Bosniac units had exchanged small arms fire with the BSA, though to what extent could not be determined.

245. As night fell on Srebrenica, the United Nations Secretariat in New York was holding a pre-scheduled meeting in New York with the representatives of troop-contributing countries. The discussion focused predominantly on the role that the rapid reaction force was to play and the difficulties that had been encountered to date in making it operational. Word of the BSA attack on the safe area had not yet reached New York. As a result, no mention was made of it by either the Secretariat representatives or by the representatives of troop-contributing countries.

B. 7 July: pause in the Serb attack

246. In his report to the Secretariat on the events of 6 July, the Special Representative of the Secretary-General noted that the Bosniac commander in Srebrenica had called on UNPROFOR to return the weapons held by it as part of the demilitarization agreement. The Special Representative added that "this is an issue which may well need to be resolved in the near future given the impossibility [for] UNPROFOR to defend the safe area. The Srebrenica offensive, with its direct targeting of UNPROFOR positions, also raises the question of the utility of maintaining troops in situations in which they are also unable to defend themselves, at least until the deployment of the rapid reaction force". (The rapid reaction force was not operational at that time, owing to restrictions imposed upon its deployment by the Bosniac-Croat Federation.)

247. As the crisis in Srebrenica was emerging, Carl Bildt was proceeding with his efforts to restart the political process. In this regard, he met in Belgrade with President Milošević and General Mladić on 7 July. In the context of the present report, Mr. Bildt recalled having conveyed his concerns to both of them about the deteriorating situation around Sarajevo and the desperate supply situation in the eastern enclaves. He urged the Serbs to exercise restraint in their activities and to give the political process a chance. Mr. Bildt did not specifically address the Serb attack upon Srebrenica, however, because he was not aware at the time of the seriousness of what had occurred.

248. Furthermore, for most of the day on 7 July, the situation on the ground in Srebrenica was relatively quiet, partly because of poor weather. At approximately 1800 hours, however, the BSA fired 16 artillery shells into the urban population centre of Srebrenica, close to the B Company compound. A few hours later, Sector North-East reported to UNPROFOR and UNPF headquarters that the situation in Srebrenica remained tense. It also reported that BSA tanks had fired 10 rounds at the electricity plant 200 m south-west of the Dutchbat compound in Potočari. It was estimated that BSA shelling inside the enclave had now killed 4 civilians and wounded 17 others. A total of 287 detonations (presumed to be incoming fire from the BSA) and 21 from outgoing fire by the ARBiH had been recorded.

249. At the end of the day, the Dutchbat Commander conveyed his assessment of the situation to Sector North-East. He considered that the Drina Corps had been ordered to strengthen its position around the enclave, with the possible aim of precipitating a reduction of United Nations troops in Srebrenica. He further assessed that the Drina Corps was seeking to increase its ability to either "eliminate" or "neutralize" Bosniac forces in the enclave. He added that the BSA would not be able to "conquer" the enclave in the short term because of its limited manpower, but, in the long term, would indeed be able to "neutralize" the ARBiH. He stated, in summary, that, over the past days, the BSA had started to shell urban areas, and had openly and deliberately attacked UNPROFOR and ARBiH positions. He also

repeated his concerns about the lack of supplies entering the enclave, both for Dutchbat and for the population. He surmised that the scheduled troop rotation of Dutchbat out of the enclave would now be rejected by the BSA. He concluded with an "appeal on behalf of the population of the enclave of Srebrenica", asking for "assistance by all means: ground and air". It does not appear that either the text or summary of it was conveyed to the leadership of UNPF.

C. 8 July: request for close air support discouraged again; Bosnian Serb Army overruns observation post Foxtrot; Army of the Republic of Bosnia and Herzegovina kills Dutchbat soldier; Bosnian Serb Army surrounds two other observation posts

250. The Serbs made a substantial advance into the safe area of Srebrenica on 8 July. Shortly after 1100 hours, the firing began to focus on OP Foxtrot. At 1126 hours, B Company reported that the Serbs were firing from a T-54/55 tank, and that two rounds had struck Bosniac positions approximately 200 m in front of OP Foxtrot. At 1226 hours, the BSA fired a tank round and several howitzer rounds at Bosniac positions in front of OP Foxtrot. At 1325 hours, OP Foxtrot reported that the fighting between Bosniacs and Serbs in its vicinity was extremely tense and that it could no longer continue with its observation tasks in the light of the security risks. Less than 10 minutes later, the post reported that the tension had reached its height, culminating with the direct impact of a tank round and three shells on the defence wall of the observation post, which had caused considerable damage.

251. Meanwhile, a sporadic bombardment of the rest of the enclave was continuing. At 0842 hours, two shells had impacted in the centre of Srebrenica town. At 1242 hours, two mortar or artillery rounds impacted within 100 m of the Bravo Company headquarters in Srebrenica, causing the Company Commander to issue a "bunker alarm".From 1245 hours until 1307 hours, the BSA again fired numerous artillery and mortar rounds at several locations throughout the enclave. This was followed by an almost immediate exchange of fire between the BSA and the ARBiH. At 1313 hours, OP Hotel reported that a multiple-launch rocket system had fired at least two rockets in the direction of Srebrenica, one of which had impacted near the town. Between 1315 hours and 1325 hours the BSA continued to shell the northern, eastern and southern portions of the enclave.

252. During the early afternoon, the Dutchbat Commander appears to have spoken to the UNPROFOR Chief of Staff in Sarajevo, again requesting close air support in response to the attack on OP Foxtrot. As before, the Chief of Staff discouraged the request, favouring instead the option to withdraw the personnel from the post. His immediate superiors at UNPF headquarters in Zagreb appear to have concurred with the decision. It appears that the assessment made in both Sarajevo and Zagreb at the time was that, although they had crossed the "Morillon Line" (the negotiated boundary) into the safe area, the BSA did not intend to overrun the whole enclave, but only to take control of strategic ground in the southern portion of the enclave.

253. At 1359 hours, a Serb tank crossed the Bosniac trenches close to OP Foxtrot. Prior to this, Bosniac fighters evacuated the trench line, assuming new positions approximately 100 m behind OP Foxtrot. The Serb tank stopped 100 m in front of OP Foxtrot, and fired to the west of the observation post. At 1407 hours, the BSA fired small arms, grenades and mortars at the ARBiH positions, to which the ARBiH responded with small-arms fire. The TOW anti-tank missile on the top of OP Foxtrot was inoperative, and had been further damaged in the shelling of the previous days. The observation post personnel did, however, have a functioning AT-4 shoulder-launched anti-tank rocket, which could have been used to fire at the BSA tank in front of them. The B Company Commander assessed, however, that if the observation post opened fire on the BSA, it would escalate the tension and perhaps render impossible their withdrawal from the area, not to mention risk the lives of his crew, who had nowhere to take cover in the face of direct tank fire. Accordingly, the Company Commander, with the concurrence of the Dutchbat Commander, ordered the personnel in OP Foxtrot not to return fire but to withdraw instead.

254. Two Serb soldiers entered OP Foxtrot unopposed at 1426 hours and after a few minutes were joined by several others. The BSA ordered the crew of OP Foxtrot to leave the post, and to leave behind their weapons and flak jackets. The UNPROFOR soldiers were ultimately allowed to keep their flak jackets but not their weapons. At 1445 hours, the Serbs allowed the crew to depart the area in its armoured personnel carrier. At 1450 hours, as the APC was withdrawing, it encountered three armed ARBiH soldiers blocking the road, and radioed the B Company Commander for further instructions. The Commander ordered the APC to proceed through the obstacle, provided that the Bosniacs did not appear to have anti-tank weapons. As the APC moved forward, however, one of the Bosniacs fired at it, striking

the one crew member who was still exposed in the head. The wound proved fatal.

255. Having overrun OP Foxtrot, the Serbs began concentrating their fire around OP Sierra and OP Uniform, the next two observation posts in the line of advance. There was sporadic shelling of the southern part of the enclave from 1600 to 1700 hours and Bosniacs and Serbs exchanged fire for more than three hours on the hills above OP Uniform. Serb mortar rounds exploded in the vicinity of OP Uniform on several occasions. B Company instructed the crew to withdraw. BSA infantry occupied the hill crest behind OP Uniform at approximately 1830 hours, and shortly afterwards 20 to 30 BSA soldiers took over the observation post. The Dutchbat personnel were forced to surrender all equipment, and were given a choice of returning to Srebrenica or accompanying the BSA personnel to Bosnian Serb-held territory. The observation post crew later explained that, at the first bend on their retreat route, they saw five Bosniac soldiers, all of whom appeared to be in possession of anti-tank weapons. They chose not to go back to Srebrenica, fearing a repetition of the episode that had occurred several hours earlier when OP Foxtrot withdrew.

256. As they were being taken by the BSA to Bosnian Serb-held territory, the crew of OP Uniform passed a message from the BSA to B Company and to OP Sierra: "OP Sierra had better remain in position, it is too dangerous to move as not all Bosniac personnel have left." That night, the BSA forced the OP Uniform crew to move to Bratunac. They reported that they were to be accommodated in a hotel overnight, and that the Bosnian Serbs would permit them to leave for the Netherlands. They reported later that evening that they had reached Bratunac and that they were being well treated.

257. At the end of the day on 8 July, UNPROFOR headquarters in Sarajevo sent a detailed report to UNPF headquarters in Zagreb on the day's events in Srebrenica. The report stated that OP Foxtrot had fallen, that one Dutchbat soldier had died as a result of Bosniac fire on the armoured personnel carrier, that the BSA had overrun OP Uniform and its personnel had been taken to Bratunac in Serb-held territory, and that OP Sierra was surrounded. It also indicated that it appeared that the BSA had cut off the southern junction of the enclave, but it was unclear how far the Serbs had penetrated into the safe area. It recounted unconfirmed reports that the object of the BSA was to limit the size of the enclave to better control it, and that this was in response to the casualties they had incurred in the past months owing to Bosniac attacks. There were also reports that military and civilian personnel within the enclave had begun to gather around the B Company compound in Srebrenica. The report concluded that the situation was expected to remain very tense.

258. As the attack on Srebrenica was going on, the situation around the other safe areas was also unsettled. UNPROFOR headquarters in Sarajevo reported that the BSA had targeted an UNPROFOR observation post in Žepa with tank and mortar fire during the day, damaging one APC but causing no casualties. It also reported that four unidentified aircraft had overflown the area. At the request of the local Bosniac commander, the Ukrainian Company had handed over the Bosniac weapons it was holding pursuant to the demilitarization agreements of 1993. It was assessed that the BSA threats in Žepa were "cause for concern" and that the situation there appeared to be deteriorating. UNPROFOR also reported that the BSA had launched what were believed to be probing attacks near Bihac, and that there was a slight increase in military activity in Goražde. Targeting of United Nations vehicles on the Mount Igman route near Sarajevo also continued, with the BSA repeatedly using 30-mm cannon and other weapons against UNPROFOR. The ARBiH also apparently targeted United Nations vehicles on the Mount Igman route three times on 6 and 7 July. There were no casualties as a result of any of these attacks and no return fire by UNPROFOR troops.

Secretary-General's meeting at Geneva on 8 July

259. As the events of 8 July were unfolding on the ground, the Secretary-General convened a pre-scheduled meeting at Geneva with the United Nations High Commissioner for Refugees, the Special Representative for the former Yugoslavia, the United Nations Co-Chairman of the International Conference on the Former Yugoslavia, the UNPF Force Commander and the UNPROFOR Commander (who was recalled from his leave to attend the meeting), his Special Political Adviser, and the Under-Secretaries-General for Peacekeeping Operations and Political Affairs.

260. At no point during that meeting was there any discussion about the ongoing BSA attack on Srebrenica nor was any assessment made that the BSA were planning to overrun the enclaves. The meeting discussed the issues for which it had been convened, namely to provide the Secretary-General with a strategic "stock-taking" of the situation on the ground and the prospects for the future. The Force Commander assessed that the Serbs were "holding all the cards" and that the United Nations deployment in the enclaves translated into 900 potential "hostages" to be taken. He feared that the United Nations was severely constrained in the enclaves. He reported that none of the observation posts were any longer manned in Goražde. He stressed the

need to open the route over Mount Igman to resupply Sarajevo, and for the rapid reaction force, when operational, to protect the humanitarian convoys — though he cautioned against its more robust application in favour of minimizing the risk of escalation, placing emphasis on Mr. Bildt's current peacemaking efforts.

261. The United Nations High Commissioner for Refugees gave the Secretary-General a very bleak assessment of the humanitarian situation. She indicated that during the month of June 1995 only 20 per cent of the assessed needs had been met in Bosnia and Herzegovina, except in the contiguous Federation areas. Sarajevo had received only 8 per cent of its assessed requirements. The airlift remained suspended since 8 April and soldiers had taken over driving the humanitarian trucks over Mount Igman into Sarajevo, since it had become too dangerous for civilians. She stressed the need for greater involvement of the military in providing humanitarian assistance in the light of the deteriorating security situation. The meeting concluded with a sense that if there were no breakthroughs on the peacemaking front in the immediate future the United Nations would have to consider withdrawing from Bosnia.

D. 9 July: events leading to the establishment of a blocking position and warning to the Serbs

262. None of the UNPF senior leadership gathered together at Geneva on 8 July had yet been informed of the seriousness of the events in Srebrenica. On the basis of the research conducted in the context of the present report, it appears that the leadership first learned about the extent of the deteriorating situation from UNPF headquarters by telephone at 0840 hours on 9 July. The assessment provided to them by the military information cell indicated that the BSA might be attempting to "shrink the pocket". Upon receiving this report, the Special Representative of the Secretary-General delegated his authority for the use of close air support to the Force Commander, who immediately left for Zagreb. The Special Representative also returned to Zagreb later that day, and the Deputy Force Commander reported to him that the situation had stabilized. An aide also confirmed that no request for close air support had thus far been received in Zagreb (which was technically true, as the requests that had been made up to that time had been turned down in Sarajevo).

263. That afternoon, on 9 July, the United Nations military observers in Sector North-East provided an assessment of the situation in Srebrenica. Their report indicated that the Dutchbat observation posts and personnel had been directly targeted, that the Dutchbat Commander had refused to release the ARBiH weapons when requested, and that the Dutchbat soldiers did not have the capacity to control the situation and prevent advances into the enclave, adding that "this has left the civilian population, the ARBiH and Dutchbat at the direct mercy of the BSA". The report offered five possible explanations for the BSA's attack on Srebrenica:

(1) To gain control of the roads between the enclaves and Zvornik;

(2) To secure control of the natural resources in the region, i.e., bauxite;

(3) To gain control of the black market system in the area;

(4) To "get the entire region under BSA control";

(5) To alter the ARBiH actions around Sarajevo.

264. The report of the United Nations military observers concluded with an assessment that "the BSA offensive will continue until they achieve their aims. These aims may even be widening since the United Nations response has been almost non-existent and the BSA are now in a position to overrun the enclave if they wish". Documents later obtained from Serb sources appear to suggest that this assessment was correct. Those documents indicate that the Serb attack on Srebrenica initially had limited objectives. Only after having advanced with unexpected ease did the Serbs decide to overrun the entire enclave. Serb civilian and military officials from the Srebrenica area have stated the same thing, adding, in the course of discussions with a United Nations official, that they decided to advance all the way to Srebrenica town when they assessed that UNPROFOR was not willing or able to stop them.

Attacks on five more Dutchbat observation posts

265. Bosnian Serb soldiers entered OP Uniform at approximately 0900 hours on the morning of 9 July, and disarmed the crew. Roughly half an hour later, the BSA forced the crew to drive to the former OP Echo, which the BSA had taken over early in June. Along the way, the crew was able to observe and report that hills on the eastern side of the enclave were occupied by BSA artillery positions. The BSA then ordered the UNPROFOR crew to drive to Bratunac, where it arrived at approximately 1200 hours. The crew radioed Dutchbat in Srebrenica, reporting that the Serbs had told them that they would be evacuated to the Netherlands.

266. At about the same time, the UNPROFOR Commander's Chief of Staff called General Tolimir at BSA main headquarters. The former acknowledged that the Dutchbat soldiers being held had been well treated, but also insisted that those soldiers being held in Bratunac be allowed to return to Potočari as soon as possible. Tolimir responded that he would convey the "proposal" to his subordinates on the ground, and expressed his condolences for the death of the Dutchbat crew member the previous day. Tolimir also indicated that he would instruct his subordinates regarding the means by which the deceased's body could be evacuated via Serb-held territory as expeditiously as possible.

267. As these events were taking place, the estimated 3,000 residents of the Swedish Shelter Project, which was located near the southern perimeter of the enclave, began fleeing towards Srebrenica town. The Dutchbat Commander ordered B Company to establish a temporary observation post near the refugee compound, which would then serve as Dutchbat's southernmost position. B Company dispatched an armoured personnel carrier to the area, where it arrived at approximately 1100 hours, passing a column of refugees streaming north. The five-man APC crew reported upon arrival at the compound that it was virtually empty. At 1348 hours, the crew reported that they had been stopped and caught by surprise by a group of between 15 and 20 BSA soldiers. The Serbs disarmed the crew, took their vehicle, and made them walk to Serb-held territory.

268. At about the same time, the Serbs began to attack OP Kilo, in the south of the enclave. At 1358 hours, the crew of OP Kilo reported that there was heavy fighting between the Bosniacs and Serbs to their south. Less than two hours later, OP Mike, which was on the opposite side of the enclave in the north-west, reported that the BSA had also opened fire on them, three mortar rounds having landed just in front of their location. They then left the observation post and moved to an area with greater cover, approximately 1 km away. Between 1600 and 1700, yet another observation post, OP Delta, reported that it, too, was now under fire.

269. The five Dutchbat personnel who had been captured near the refugee compound radioed back to the battalion at 1700 hours, reporting that they had arrived in Bratunac. They had been transported by the Serbs, having initially set off on foot. They, like the other Dutchbat personnel from OP Sierra and OP Uniform, reported that the BSA had told them that they would be able to leave for the Netherlands the next day, via Belgrade.

270. As this was happening, the Force Commander, who had been briefed throughout the day on the developments in Srebrenica, instructed UNPROFOR to assemble target information for close air support, if needed. This was done immediately. He also telephoned General Tolimir of the BSA. Tolimir claimed that the Dutchbat personnel were not prisoners of war, but had simply requested the BSA's assistance, and were free to leave.

271. Shortly thereafter, the UNPROFOR Commander's Chief of Staff again telephoned Tolimir, expressing concern about the situation that was developing in Srebrenica. He told Tolimir that the BSA troops had penetrated 4 km into the enclave and were now only 1 km from the town of Srebrenica. He considered this to be an attack on the safe area, and said that UNPROFOR would be forced to defend it with all means. He demanded an explanation of the BSA's actions and requested that they withdraw to at least 4 km south of their present location, back to the recognized former confrontation line. Tolimir contended that the situation on the ground was not as had been presented and tried to focus on the discussions related to the return of the Dutchbat personnel being held. The UNPROFOR Commander's Chief of Staff returned to the main point that UNPROFOR would be forced to defend the safe area, particularly since it had not given the ARBiH back the weapons it had deposited at the collection point under the terms of the 1993 demilitarization agreements. Tolimir claimed that he would check the situation and would report back in 30 minutes, which he did not.

272. While this conversation was going on, the BSA overran OP Delta and disarmed its crew. The BSA offered them the choice of returning to Srebrenica or being taken to the nearby Serb-held town of Milici. After discussion with their Commander, they chose the latter option. Thus, by the evening of 9 July, 30 Dutchbat soldiers were now being held in Serb-held territory and the BSA had advanced 4 km deep into the safe area, just 1 km south of Srebrenica town.

Force Commander issues warning to Bosnian Serb Army and orders Dutchbat to establish blocking position

273. The Force Commander conferred with the Special Representative of the Secretary-General in Zagreb at 1800 hours. On the advice of their military staff, they decided that Dutchbat should establish a "blocking position" against the Bosnian Serb approach to the town from the south. The Force Commander expected that the blocking position would fire upon the Serbs if attacked, and that close air support would also be requested in the event of such an attack. In connection with this, the acting UNPROFOR Commander in Sarajevo forwarded to the Force Commander a written request for close air support, with related target information.

It was this request, the only one received in Zagreb until then, that remained as a standing request throughout the remaining period of the Serb attack on Srebrenica. The Special Representative and the Force Commander decided to demand that the Serb offensive on Srebrenica be stopped, that the BSA withdraw to the enclave boundary, and that the BSA also immediately release all Dutchbat personnel and their equipment.

274. Both the Force Commander and the UNPROFOR Commander's Chief of Staff communicated these decisions to General Tolimir by telephone. During his conversation with Tolimir, the UNPROFOR Commander's Chief of Staff added that he would shortly convey the same warning in writing. Tolimir confirmed that he understood the message, yet still refused to acknowledge that the Serbs had attacked UNPROFOR or the enclave. He claimed that Serb forces had done no more than take a portion in the south of the enclave from which the Bosniacs had allegedly been attacking, attempting to establish a link with Žepa. He insisted that the ARBiH had violated the demilitarization agreement. The UNPROFOR Commander's Chief of Staff stated that the only party using heavy weapons was the BSA, and that it had indeed directly attacked the safe area and United Nations personnel, and had threatened the civilian population of Srebrenica. He concluded the conversation by stating that if the BSA troops did not withdraw to the former confrontation line within two hours, UNPROFOR would be forced to respond with all available means.

275. The written version of the warning was faxed to Tolimir shortly thereafter. It characterized the BSA actions as an attack on the safe area and summarized the extent of the attack in some detail. It concluded: "the Dutch battalion has been ordered to establish a blocking position to the south of the town. The Special Representative of the Secretary-General and the Force Commander have decided that if this blocking position is attacked by BSA forces, NATO close air support will be employed". Given that the Serbs subsequently endeavoured to bypass the UNPROFOR blocking position on their way towards Srebrenica, it is possible that this message had given the Serbs the impression that air power would be used only to protect UNPROFOR, and that they could attack the Bosniacs with impunity.

276. The Force Commander communicated the details of what had occurred to his NATO counterpart, and it was agreed that NATO planes would be available at 0600 hours the following morning to respond to a request for close air support if received. Meanwhile, as the arrangements for the provision of close air support were being made, the Dutchbat Commander in Srebrenica, who had earlier favoured its use, changed his assessment in view of the extent to which the BSA had now advanced. He reported that "using close air support in all possible ways is in my opinion not feasible". He believed that the BSA would respond with a barrage of artillery fire from the north, which could not be stopped unless all their weapons systems could be eliminated simultaneously, which was unlikely. Concerning BSA intentions, he remained uncertain whether the Serbs intended to overrun the entire enclave, or simply to secure the southern portion of it, which they had nearly completed. The Dutchbat Commander has since stated that he also expressed his strong reservations about the decision to establish a blocking position, which in his view, would not be able to stop a concerted Serb attack. He nevertheless carried out his instructions.

E. 10 July: Bosnian Serb Army violates warning; use of close air support deferred

277. B Company began establishing the blocking position in the early morning hours of 10 July. It gathered approximately 50 soldiers and six APCs, as well as the weaponry available to them, with the purpose of establishing fixed positions on each of the four approach routes to the town. (See the map at the end of this chapter.) These were designated as B1, B2, B3 and B4. The broader roads would be blocked by two APCs each (B1 and B3); the two narrower routes would be blocked by one APC each (B2 and B4). The weapons collectively at their disposal were two "drago" medium-range anti-tank weapons, and a number of AT4 short-range anti-tank weapons, along with the 0.50-calibre heavy machine-guns mounted on top of each of the APCs. The B Company Commander instructed the commanders of each of these four units that, if attacked, they should not fire directly at the BSA at first, but fire warning shots around the targets. However, if the BSA persisted with the attack, they should engage them in direct combat if necessary. All the same, they assumed that one or two APCs sitting on the route would not be able to stop a concerted attack from all directions. Forward Air Controllers were deployed with one of the blocking positions, B1, and at OP Hotel, which was located on high ground next to Srebrenica town, from where they had a reasonably clear view of the area.

278. By approximately 0500 hours, B Company had been able to put in place three of the four blocking positions (B1, B3 and B4), but had not yet established B2, which was to be the one closest to the town. The Bosniacs in the area apparently thought that the APC en route to take up its position was in fact withdrawing, and became aggressive

towards its crew. B2 therefore took up a position further away from the town sometime between 0500 and 0700 hours. Shortly after 0700 hours, the Deputy Commander of B Company, who was in charge of all four blocking positions, was conducting a reconnaissance of each of his positions. A loud detonation was felt as the APC proceeded towards the B2 position; the driver swerved, and the vehicle left the road. The crew then left the vehicle and returned on foot to the previous position where B4 was located. At 0713 hours, the Deputy Commander of B Company reported what had happened, and assessed that the explosion must have been the result of a hand grenade thrown by Bosniacs, since the latter were in the area. This report was immediately filed up the UNPROFOR chain of command, eventually reaching the Security Council.

279. The morning briefing of the Special Representative of the Secretary-General was held at the same time, and the Force Commander assessed that the Bosniacs were in a position to defend themselves in Srebrenica, but instead were firing on the Dutchbat blocking position and on the Forward Air Controllers. The Special Representative concurred with the negative assessment of the Bosniacs' behaviour. The Force Commander then spoke with General Tolimir, who again insisted that the Dutchbat personnel had not been taken hostage. The Force Commander also asked to speak to General Mladic, but was told that he had gone to the Srebrenica area in order to resolve the problem.

280. Meanwhile, in Srebrenica, it became known that it was not the Bosniacs who had been firing on the UNPROFOR armoured personnel carrier, but the Bosnian Serbs. At 0815 hours, B Company had sent a vehicle to recover the APC that had gone off the road, and reached the scene without being fired upon. It was not able to pull the APC back on to the road, however, and by 1100 hours, the battalion headquarters had sent a specialized recovery vehicle to the scene. As the recovery vehicle approached the scene, it was fired upon with heavy weapons. The Deputy Commander of B Company assessed that a Serb tank had directly fired upon it from the north-east. The observers based in OP Hotel, sitting on high ground, were able to confirm that this was the case. The Deputy Commander of B Company then changed his assessment about what had happened at 0700 hours. Corroborating his changed assessment, he noted also that the debris produced by the earlier detonation was indicative of a much more substantial impact than that of a hand grenade. At 1300 hours, he radioed in his corrected assessment. Three of the blocking positions were still in place, but the one nearest to the town remained unmanned. Some sources approached in the context of this report indicated that the Dutchbat requested close air support at this time, or sometime earlier in the morning, because the warning to the Serbs had been violated. The request, if made, was not approved. It has not been possible to verify at what level the request was turned down, if at all, as there is no written record of it, and a number of the key personnel at each of the higher levels of command do not recall any request having been received at that time.

281. The Special Representative's update on the situation in Srebrenica, sent some hours earlier, had now reached United Nations Headquarters in New York, apparently in time for the Secretary-General's representative to brief the Security Council on the latest developments. The Special Representative's report indicated that the Serbs had resumed their shelling of the town at 0740 hours, the United Nations military observers having recorded more than 100 detonations. Incoming Serb fire, presumed to be artillery rounds, had also impacted near the hospital at 1100 hours, shattering its windows. It confirmed that UNPROFOR had not yet returned any of the weapons in the collection points to the ARBiH. It also mistakenly reported, on the basis of the initial assessment from the field, that the ARBiH, and not the BSA, had fired upon the blocking position.

282. The Secretary-General's representative then briefed the Security Council, imparting information that turned out to be substantially inaccurate. He indicated that the Serb advance towards the town had stopped, which appears to have been the case at the time. However, he also informed the Council that the BSA had ceased their shelling of the town, though the Special Representative's report had indicated that the shelling had resumed that morning. He told the Council that the Bosniacs had fired on an UNPROFOR armoured personnel carrier, which was what the Special Representative had reported on the basis of incorrect information from the field. Asked for a chronology of requests for air support, he gave no clear answer. He did not report that there had been a series of requests from Dutchbat for close air support from 6 to 8 July, and that they had been turned down in Sarajevo. Neither he nor anyone else in the Secretariat appears to have been aware of those requests. He also did not mention that a formal request for close air support had been submitted to UNPF headquarters in Zagreb the day before, although a copy of the request had been transmitted to United Nations Headquarters in New York. A member of the Security Council asked that the information about the Bosniac attack on the UNPROFOR armoured personnel carrier be double-checked, but this was apparently not done. It is not clear whether there were telephone conversations between Headquarters and Zagreb or any other exchanges of information, which would explain some of the discrepancies in the oral reporting to the Security Council.

283. The BSA continued to shell the town throughout the day. B Company also reported a number of firefights between the ARBiH and the BSA at various locations near the blocking positions. UNHCR reported that an estimated 2,000 civilians had begun to gather around the hospital, hoping that its "special status" might protect them from Serb fire. UNHCR also reported that, by approximately 1300 hours, 6 civilians had been killed and 23 wounded as a result of the shelling. Between around 1100 hours and 1800 hours, however, the BSA did not fire directly at the UNPROFOR blocking positions.

284. At approximately 1830 hours, B Company reported that Serb infantry had appeared on high ground overlooking the town from the south. The UNPROFOR observers at OP Hotel could also see this action, reporting what they thought to be a company-strength formation of Serb infantry advancing across the ridge-line where Dutchbat had attempted to establish its B2 position. The Company Commander gave the order to fire warning flares from the 81-mm mortar at the B Company base. The first of these was wide of the mark, but subsequent flares were on target. Dutchbat then began firing from the turret-mounted machine-guns of its APCs. Orders were given to fire over the heads of the Serbs. This was done, and the Serbs did not return fire. As this action was taking place, the Dutchbat Commander in Srebrenica called UNPROFOR's Sector North-East headquarters in Tuzla, again requesting close air support. This was approved in Tuzla and Sarajevo, and was passed to UNPF headquarters in Zagreb. UNPROFOR continued to fire flares at the Serbs, and to direct machine-gun fire over their heads, for approximately one hour, until 1935 hours, when the advancing BSA troops fell back over the ridge-line in a south-westerly direction. At this point, the B Company Commander ordered his blocking positions to fall back to locations even nearer to the town, fearing that the BSA might attempt to outflank them during the hours of darkness.

285. At approximately 1900 hours, the Chief of Operations at UNPF headquarters in Zagreb told the Force Commander that the aircraft for close air support were on standby, and could be ready if called upon within one hour. He added that the aircraft were night capable, though this capacity would not be required until after 2030 hours local time. At 1930 hours, a message was received that another UNPROFOR position in Srebrenica, OP Lima, was under attack.

286. At 1910 hours, the Special Representative of the Secretary-General — who was in Dubrovnik for a meeting with the Government of Croatia at that time, but was in constant contact with UNPF headquarters and was expected back in Zagreb before midnight — attempted to contact President Milošević, unsuccessfully. At 1945 hours, the Force Commander's Chief of Staff (Netherlands) indicated to the Special Representative's office that the Serbs had mounted an infantry attack, which was estimated to number approximately 150 soldiers and that the Dutchbat blocking position had fired warning shots at the Serbs. The Force Commander convened the Crisis Action Team at 1955 hours. During the meeting, he requested the NATO pilots to be "cockpit" ready, given that the Serbs had clearly violated the earlier warning. He also remarked that there were no targets to hit, which one of his staff contradicted, claiming that two tanks and artillery had been identified, and that the Forward Air Controllers were in place. At the same time, the Force Commander's Chief of Staff reportedly added that the Government of the Netherlands was focused on avoiding casualties to their troops and that a number of observation posts were still functioning.

287. The Force Commander then requested his Chief of Staff to contact the Netherlands Minister of Defence, to determine which line of response his Government supported. The position of the Government of the Netherlands communicated at the time appears to have been that it would abide by whatever decision the Force Commander believed to be appropriate, even if it led to retaliation against the peacekeepers being held hostage. Based upon the interviews conducted during the preparation of this report, it does not appear that the Force Commander sought the views of any other Government, including his own, at that time.

288. The UNHCR Special Envoy telephoned the Special Representative's office at 2100 hours, reporting that some 4,000 refugees were now in the town and the population was panicking. Srebrenica residents from the southern end of the town began fleeing northwards to the town centre. Survivors recall large crowds of people gathering around the Dutchbat positions, in the main marketplace and around the B Company base. Public order seemed largely to have broken down by this time. In an interview conducted in connection with this report, President Izetbegović recalled having contacted the President of the Srebrenica Executive Council, Osman Suljić, at about this time. He remembered having told Suljić to use the anti-tank weapons which had been supplied to the defenders over the previous months. He thought that if the defenders could destroy even one or two Serb tanks, the attack would be halted. It later became known that the Bosniacs in Srebrenica could not operate those weapons.

289. At 2115 hours, the Force Commander spoke with General Tolimir who claimed that the Serbs had not shot at the Netherlands soldiers and offered safe passage out for

United Nations personnel, non-governmental organizations and the local population. The Force Commander told Tolimir that the United Nations would not leave the enclave and demanded that the BSA halt their attack. At 2120 hours, UNPROFOR headquarters in Sarajevo reported that the Serbs had bypassed the Dutchbat blocking positions, and that Dutchbat and the Bosniacs were now coordinating a joint defence. The Force Commander called General Mladić's headquarters again at 2125 hours to tell them that the situation was impossible, and that he would do everything he could to avoid the use of force, but that there were limits. Mladić's staff responded that it was all "Muslim propaganda" and that they would have to verify the situation themselves.

290. The Force Commander briefed the staff on his conversation with Mladić's office at 2135 hours. At this time, reports were received in Zagreb that the fighting in Srebrenica had now stopped. The Force Commander concluded that UNPF was faced with three scenarios:

(1) To do nothing, in which case the Serbs would either halt their advance or completely bypass the blocking positions;

(2) To call in close air support immediately, but since it was dark and the situation was confused, this could be risky;

(3) To wait until morning to use close air support, in order to avoid the risk of friendly fire and to clarify targets.

291. An officer then relayed a message which he had just received from the Dutchbat Commander in Srebrenica, expressing the latter's belief that the blocking position could still hold its ground, and the hope that things would remain calm through the night; the Dutchbat Commander did not consider that close air support would be useful at the moment, but he would like it ready by 0600 hours the following morning. The NATO Liaison Officer responded that the NATO pilots could be put on alert immediately, but that they would not be able to stay in the air all night. The Force Commander summarized his position, stating that he had not used close air support that evening because it was dark and the Serb infantry were better stopped by the Netherlands infantry on the ground. He reflected that it was odd that the Serbs had behaved as they did in the middle of a negotiation process.

292. The delegate of the Special Representative of the Secretary-General in Belgrade telephoned the Special Representative's office at 2245 hours to indicate that he had seen President Milošević, who had responded that not much should be expected of him because the Bosnian Serbs "did not listen to him". At 2300 hours, the Force Commander, having spoken to General Tolimir, who had told him that the offensive action had stopped, requested his team to reconvene at 0600 hours the next morning.

293. The Force Commander then dispatched a report to United Nations Headquarters in New York providing an update on the situation as of 2300 hours on 10 July. He recounted the extent of BSA shelling of the town during the course of the day and the estimates of casualties received. He stated that during the BSA advance, shortly after 1800 hours, Dutchbat had directly engaged in firefights with the BSA, using personal weapons and 0.50-calibre machine-guns. (This appears to have been based on initial reports which later proved to be incorrect — Dutchbat had not engaged in firefights with the BSA, but had only fired flares at them, and had fired machine-gun rounds over their heads.) He noted with concern that two BSA tanks, which had been heard operating behind the BSA infantry lines, might advance to engage the blocking position. He reported that, in the evening, the ARBiH had apparently set up defensive positions near the Dutchbat blocking positions, presumably in an effort to stop the BSA advance, which had stopped as of 2300 hours. However, he also added that other reports had indicated that the Dutchbat observation post on the western boundary of the pocket was surrounded by the BSA and might have been directly targeted.

294. In his report, the Force Commander also explained why he had decided against the use of close air support that evening. He added that as of 0600 hours the following day NATO aircraft would be airborne and ready to conduct a close air support mission at shorter notice, and against infantry if necessary, if called upon to do so. He further stated that UNPF headquarters had considered unacceptable a "ceasefire" offer by the Serbs (which had been delivered to the Dutchbat Commander by the BSA Commanding Officer), and under which Dutchbat forces would withdraw, without their weapons and equipment, as would non-governmental organization personnel. All civilians wishing to evacuate to Tuzla would do so within 48 hours.

295. At approximately midnight, the Dutchbat Commander convened a meeting with the Bosniac leadership in Srebrenica. The United Nations military observers summarized the results of the meeting in their report to Sector North-East a few hours later. They indicated that the Dutchbat Commander had informed the Bosniac leadership in Srebrenica, comprising the Mayor, the Deputy Mayor, the President of the Executive Council and the ARBiH Chief of Staff, that the BSA had offered an ultimatum for "surrender" which UNPROFOR had categorically rejected. The Dutchbat

Commander also told the leadership that as of 0600 hours on 11 July (i.e., 5-6 hours later), NATO would conduct a massive air strike against the BSA positions around the enclave if they had not withdrawn to the original boundaries of the safe area. He added that if the BSA did withdraw, then Dutchbat would reoccupy the observation posts which had been overrun. The Mayor expressed disbelief that the air strikes would be employed. The ARBiH Chief of Staff asked the Commander of Dutchbat for guidance on what his forces should do in preparation for the NATO air strike, if it was really to be delivered. In response, the Dutchbat Commander stated that the Bosniacs should stay as far away as possible from the current confrontation line and take cover in their houses. The ARBiH Chief of Staff appears to have passed this information to Bosniac fighters in positions to the south of the town.

296. During the night, an UNPROFOR position just west of the town noted a stream of people, many of them armed fighters, leaving the town, moving further west. The observers estimated that between 1,000 and 1,500 fighters had been seen among them.

F. 11 July: initial confusion over air support; close air support deployed; Srebrenica falls

297. Dutchbat spoke with Sector North-East at approximately 0400 hours on 11 July, and were told that 40 targets had been identified and that NATO planes would be over their targets at 0650 hours. Accordingly, at approximately 0700 hours, Dutchbat personnel were in their bunkers, expecting air strikes, as opposed to close air support, to be launched. When the strikes did not materialize, the Deputy Commander of the battalion appears to have telephoned the Chief of Operations in Sector North-East, who reportedly responded that there was no record of any air strikes having been requested, and that no requests for close air support had been received either. Thus, while Dutchbat on the ground were waiting for waves of air strikes, the higher levels of command were waiting to be notified that the Serb attack had resumed and that close air support was needed. At 0755 hours, the United Nations military observers in Srebrenica reported that the situation in the enclave had been "unusually but creepily calm and quiet". They also reported that they were securely in their bunkers, as they were expecting large-scale NATO air strikes to be conducted "in the next quarter of an hour".

298. It remains unclear why the UNPROFOR personnel in Srebrenica were expecting air strikes to be deployed automatically. Instructions on this subject appear to have been passed over the telephone, of which no official written record exists. While some of the personnel involved recorded the sequence of events in their personal diaries, there are inconsistencies in those accounts. The official written reports which do exist, between UNPF in Zagreb and United Nations Headquarters in New York, indicate only that UNPF was expecting NATO aircraft to be available for close air support, if necessary. UNPROFOR headquarters in Sarajevo appears to have had the same understanding, which suggests that somewhere between Sarajevo, Tuzla and Srebrenica, the message was either not conveyed properly over the telephone by Sarajevo, or was misunderstood on the receiving end by Sector North-East and Dutchbat in Srebrenica.

299. Dutchbat appears to have forwarded a request for close air support at 0745 hours, on learning that air strikes would not be forthcoming. One senior officer in Sector North-East at the time recalled from his personal log that he telephoned Dutchbat at 0839 hours to confirm that the request had been received in Sarajevo. UNPROFOR personnel in Sarajevo, interviewed in the context of this report, did not recall a request having been received at that time. Dutchbat then forwarded what may have been its second request of the morning. (A press release issued by Sector North-East later that day stated that there had been two requests for close air support on the morning of 11 July.) Conflicting accounts suggest that a delay of approximately 30 minutes in relaying this request to Sarajevo may have occurred because the request was either deemed by a staff officer in Sector North-East to have been incomplete, filled out on the wrong form, or because the facsimile lines between Srebrenica and Tuzla had been down. The request eventually reached Sarajevo around 1000 hours. UNPROFOR Bosnia and Herzegovina Command appears to have then requested that the target list be updated further to include targets in the north of the enclave. The information was provided, and at approximately 1045 hours, UNPROFOR Bosnia and Herzegovina Command confirmed to Sector North-East that it had received the full information and was forwarding it to UNPF headquarters in Zagreb.

300. The confusion over the air support to be provided and the manner in which it was to be requested appears to have persisted for approximately three hours, from 0700 to 1000 hours. That notwithstanding, although the Serbs had not withdrawn their forces by 1000 hours, they had also not yet resumed their attack on the town or on the blocking positions. During this period, the UNPROFOR Commander's Chief of Staff apparently spoke with NATO representatives who reportedly indicated that the planes

which, at UNPF's request, had been airborne since 0600 hours, would soon need to return to Italy to refuel. The UNPROFOR Commander's Chief of Staff concurred because the Serb attack had not resumed. At the same time, he requested that the planes return as quickly as possible. He was apparently told that the planes would be available to respond to a request for close air support by approximately 1400 hours.

301. Sometime before 1000 hours, the Special Representative of the Secretary-General informed his staff that he had spoken with the Secretary-General. The Special Representative added that he had declined the Secretary-General's offer to delegate to him the authority for calling in air strikes. Approximately one hour later, UNPF headquarters in Zagreb received the request from UNPROFOR Bosnia and Herzegovina Command for close air support for Dutchbat in Srebrenica.

302. The Bosnian Serbs resumed their attack at approximately 1100 hours, with direct tank fire against Dutchbat positions. By 1130 hours, B Company was reporting that the BSA was firing at its compound. The BSA also began shelling OP Mike and OP November in the northern portion of the enclave. At 1200 hours, the Force Commander advised the Special Representative to approve the request for close air support to be used against any forces either attacking the blocking positions or firing with heavy weapons on other United Nations positions in Srebrenica town. The Special Representative approved the request at 1217 hours, providing additional authorization for close air support against any forces attacking United Nations observation posts along the perimeter of the enclave. It is worth noting that the form which the Force Commander and the Special Representative signed on 11 July was the same as that which had been submitted to Zagreb on 9 July. In their view, it was a standing request which would be acted upon on the receipt of updated target information and the notification, communicated verbally if necessary, that the warning of 9 July to the Serbs had not been heeded. Thus, the confusion between Srebrenica and Tuzla over the forms on the morning of 11 July appears to have been, in Zagreb's perspective, irrelevant to the decision to approve close air support.

303. At 1210 hours, the United Nations military observers in Srebrenica reported that the crew of OP November had withdrawn, under Serb fire, to a new position approximately 400 m behind the observation post. At almost the same time, a Serb tank fired at one of the Dutchbat APCs in the B1 blocking position. At 1230 hours, the BSA began firing on OP Hotel, which was located on high ground overlooking Srebrenica town and positions to the south. Within half an hour, the Serbs were shelling the town from positions to the south and east. At around 1330 hours, the BSA fired two shells which impacted in the B Company compound, where 4,000 to 5,000 Bosniac civilians were taking refuge; an unspecified number were injured.

304. The advancing Serb forces now entered the town encountering little or no resistance either from UNPROFOR or from the ARBiH. The Serb flag was hoisted above a bakery at the southern end of the town at 1407 hours, according to one individual who was there at the time. The residents of Srebrenica town, including those who had sought refuge at the B Company base, began to flee northwards in the direction of Potočari at approximately 1430 hours. Srebrenica had fallen. Until that point, at least three (but possibly up to five) requests for air support by Dutchbat had been turned down at various levels in the chain of command. Dutchbat had also not fired a single shot directly at the advancing Serb forces.

305. Eighteen NATO aircraft had by now made their way to Srebrenica. Six of them were detailed to attack targets, with the remainder largely designated for the suppression of enemy air defence systems, if required. At approximately 1440 hours, two NATO aircraft dropped a total of two bombs on what were thought to be Serb vehicles advancing towards the town from the south. It was not clear at the time what damage had been done, if any. NATO aircraft also overflew the southern and north-western portions of the enclave, respectively, but were unable to locate targets.

306. Immediately following this first deployment of NATO close air support, the BSA radioed a message to Dutchbat. They threatened to shell the town and the compound where thousands of inhabitants had begun to gather, and to kill the Dutchbat soldiers being held hostage, if NATO continued with its use of air power. The Special Representative of the Secretary-General recalled having received a telephone call from the Netherlands Minister of Defence at this time, requesting that the close air support action be discontinued, because Serb soldiers on the scene were too close to Netherlands troops, and their safety would be jeopardized. The Special Representative considered that he had no choice but to comply with this request. The message was passed to NATO accordingly, and the air action was halted. The Minister made similar calls to the Under-Secretary-General for Peacekeeping Operations in New York and his Military Adviser (a Netherlands Major General) at the same time, which were echoed in démarches by the Permanent Representative of the Netherlands.

307. President Milošević telephoned the Special Representative of the Secretary-General at 1500 hours, and

stated that the Dutchbat soldiers in Serb-held areas had retained their weapons and equipment, and were free to move about. This was not true.

308. At 1600 hours, the United Nations military observers reported that upwards of 20,000 inhabitants, mainly women, children and the elderly, were converging on the Dutchbat headquarters compound in Potočari. They added that "... the shelling of the town [had been ongoing] despite the airstrikes ... the town is in the hands of the BSA ... B-Company has left the compound in Srebrenica and is heading for Potočari ... the airstrikes on the north part of the enclave have not taken place up till now ... that means that the compound is a very easy target for all the weapons on the north ridge of the enclave". A covering note transmitting this report stated that, "apparently, there has been too little too late".

309. About an hour earlier, Dutchbat had assigned the battalion's logistics officer and approximately 30 soldiers to coordinate the reception of the people fleeing from Srebrenica. The commanding officer assessed that the main gate to the compound was vulnerable to Serb fire, and accordingly ordered that a hole be cut in the fence on the other side of the compound. Some 4,000 to 5,000 refugees had entered the compound through this hole by the early evening. Dutchbat then assessed that it did not have the provisions or space required to accommodate any more refugees and blocked entry into the compound for the additional refugees who were struggling to get in. These refugees, estimated to number some 15,000 to 20,000, also comprised mainly women, children and elderly. They remained outside the compound, in its immediate vicinity, throughout the night.

310. The majority of Srebrenica's men of military age did not seek refuge in Potočari. The vast majority of them, including the civilian and military authorities, as well as some of their families, decided instead that they would risk making their way on foot to Tuzla, some 50 km away, through Serb lines and through forested, partly mined territory. They decided that they would fight their way through if they had to. By mid-afternoon on 11 July, the men who were preparing to make the journey began to gather in the hamlet of Šušnjari, located in the north-western portion of the enclave.

311. Meanwhile, the acting UNPROFOR Commander spoke with General Gvero, Deputy Commander of the BSA, at 1810 hours. The notes on the conversation indicate that he told Gvero that, while the NATO aircraft had been withdrawn from the area, they could be recalled at any time. He also informed him that the Dutchbat Commander had been instructed to contact the BSA in order to obtain a ceasefire. He further stated that he would defend his troops if and when attacked and requested that the Dutchbat soldiers currently being held by the BSA be released immediately. General Gvero pledged to "look into the situation" and to revert back the following morning.

312. Upon the Force Commander's request, the acting UNPROFOR Commander then issued instructions to Dutchbat, ordering them to enter into negotiations with the BSA to secure an immediate ceasefire. He added that "giving up any weapons and military equipment [was] not authorized and [was] not a point of discussion". He ordered Dutchbat to concentrate their forces in the Potočari compound and to withdraw from the remaining observation posts. He ordered them to "take all reasonable measures to protect refugees and civilians in [their] care". He added that they should "continue with all possible means to defend [their] forces and installation from attack". This was "to include the use of close air support if necessary". While noting the clarity of the instructions, the Dutchbat commanders assessed that they were simply no longer in a position to carry them out.

313. At around 2000 hours, the Serbs contacted Dutchbat using the communications equipment in one of the vehicles that they had commandeered in the preceding days. They instructed the Dutchbat Commander to come to the Hotel Fontana in Bratunac for a meeting. He arrived there at approximately 2030 hours, and was surprised to find General Mladić, accompanied by General Živanović, the Commander of the BSA Drina Corps. The BSA had gathered a considerable media entourage as well. The meeting lasted roughly 45 minutes, which Mladić reportedly used mostly to shout at the Dutchbat Commander, accusing him and the United Nations of having wrongfully used air power against the BSA. He blamed the United Nations for not having disarmed the Bosniacs in Srebrenica. The Dutchbat Commander attempted to explain the desperate situation of the thousands of inhabitants who had gathered in Potočari. Mladić responded that the Dutchbat Commander should return for a second meeting at 2330 hours, and that he should bring with him representatives of the refugees, and if possible, someone from the civil authorities.

314. The Dutchbat Commander returned to the Hotel Fontana at 2330 hours accompanied by the Director of Srebrenica's high school, whom he had asked to serve as a representative of the refugees. (Of the town's official civilian leaders, only Ibran Mustafić, representative of Srebrenica in the Assembly of Bosnia and Herzegovina, joined the Bosniacs seeking protection from UNPROFOR at Potočari. All other leaders, expressing scepticism as to whether UNPROFOR was willing or able to protect them,

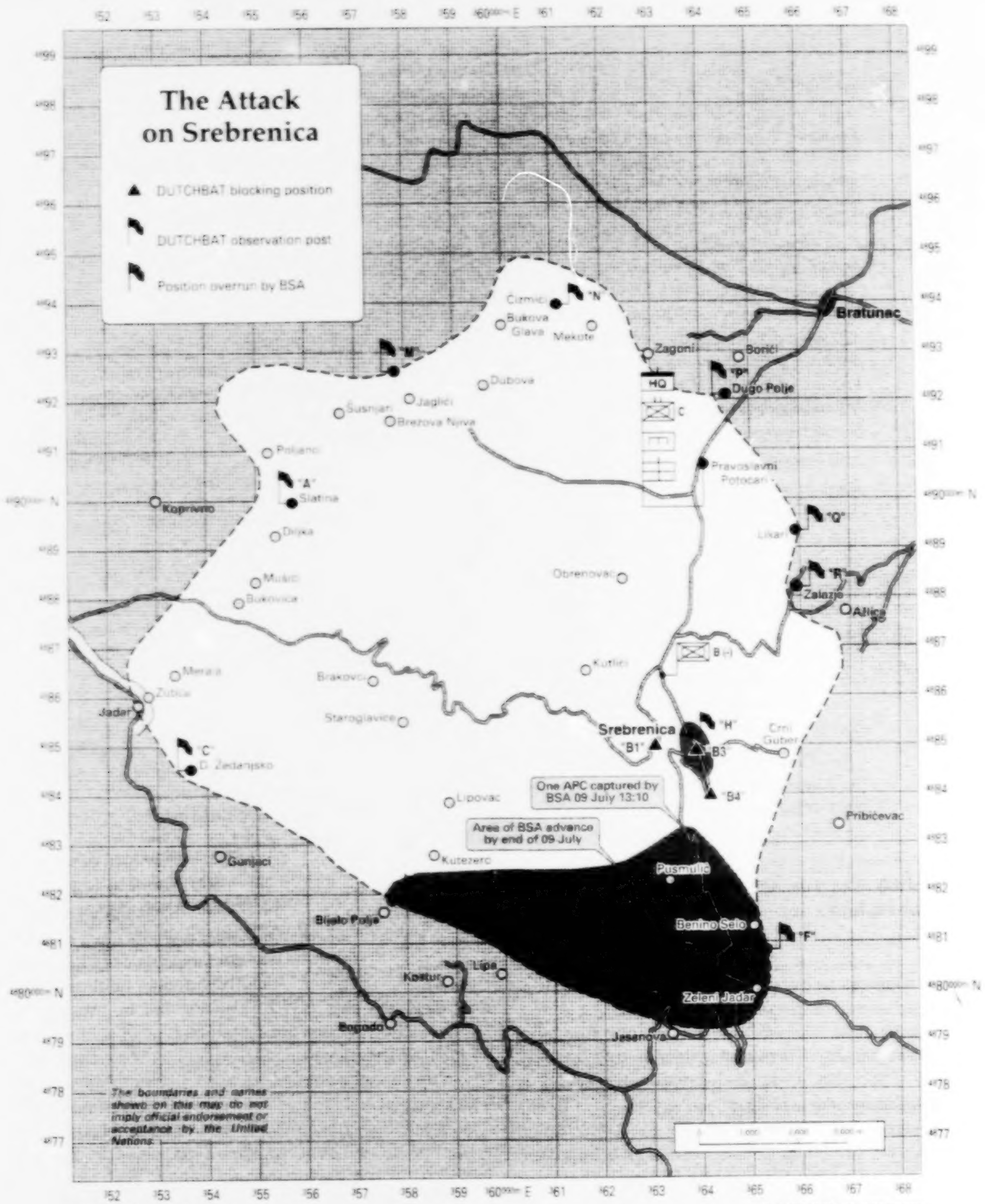
chose to join the group which was fighting its way to Tuzla.) During the second meeting with General Mladić, the Dutchbat Commander again tried to explain the situation of the refugees in Potočari and of the approximately 100 wounded personnel in the compound. General Mladić pledged to evacuate the wounded and guaranteed to treat them according to the Geneva Conventions. He demanded that the ARBiH hand over their weapons to the BSA and, if they failed to, threatened to shell the Dutchbat compound in Potočari. He committed himself to a ceasefire which would last until 1000 hours on 12 July, at which time he wanted to hold a third meeting with the Dutchbat Commander and representatives of the refugees. He also asked to see Naser Orić, to which the Dutchbat Commander responded that he had not seen Orić in the enclave since April. The meeting concluded at approximately 0100 hours on 12 July.

315. Returning to the battalion compound at Potočari, the Dutchbat Commander sent a report to Zagreb, Sarajevo and Tuzla, as well as to the crisis staff in The Hague, describing the two meetings that he had had with Mladić. He concluded his report by stating "there are now more than 15,000 people within one square kilometre, including the battalion, in an extreme vulnerable position: the sitting duck position, not able to defend these people at all". (*sic*) He went on to describe precisely the location of BSA artillery and tanks within direct sight of the compound. He ended his message with a plea:

> "I am responsible for these people [yet] I am not able to: defend these people; defend my own battalion; find suitable representatives among the civilians because the official authorities are for certain reasons not available; find representatives among the military authorities because they are trying to fight for a corridor to the Tuzla area, and will not show up anyway because of purely personal reasons; manage to force ARBiH troops to hand over their weapons ... In my opinion there is one way out: negotiations today at the highest level: United Nations Secretary-General, highest national authorities and both Bosnian Serb and Bosnian Government."

316. The Bosniac men gathered in Šušnjari began to move out of the enclave into surrounding Serb territory shortly after midnight on 12 July. The men, who may have numbered up to 15,000, were divided roughly into brigade groups, with the strongest units moving out first, to act as a spearhead for those that followed. Perhaps a third of the group was armed. Progress out of the enclave was initially slow, with the men having to pass in single file through the Serb minefields that lay beyond the perimeter of the enclave. The last units left Šušnjari in the early afternoon of 12 July, more than 12 hours after the first.

317. Despite this slow progress, the Serbs did not immediately engage the column of Bosniac men. Darkness, forest cover and surprise appear to have provided some initial protection for the Bosniacs. Sometime before dawn, however, the Serbs began to engage the column with heavy weapons. Several survivors interviewed in connection with this report have given accounts of what they believe to have been chemical weapons attacks. They described artillery shells impacting and then leaving a lingering plume of white smoke or gas. Those nearest to the impact were not killed, but became disoriented, and some appear to have wandered away from the main column into the surrounding Serb territory. Two medical doctors present in the column witnessed these events, and are of the belief that those affected were under the influence of non-lethal chemical agents.


The Attack on Srebrenica
DUTCHBAT blocking position
DUTCHBAT observation post
Position overrun by BSA
Bratunac
Čizmići
"N"
Bukova Glava
Mekote
Zagoni
Boriči
"P"
Dugo Polje
"M"
Dubova
Jaglići
Šušnjari
Brezova Njiva
HQ
C
Pravoslavni Potočari
Poljanci
"A"
Slatina
Kaprivno
Diljka
"Q"
Likari
Musići
Obrenovac
"R"
Zalazje
Bukovica
Allića
B (-)
Kutlići
Merala
Brakovci
Žutica
Jadar
Staroglavice
Srebrenica
"H"
Crni Guber
"B1"
B3
"C"
D. Žedanjsko
"B4"
Lipovac
One APC captured by BSA 09 July 13:10
Area of BSA advance by end of 09 July
Pribičevac
Gunjaci
Kutezero
Pusmulić
Bijelo Polje
Bemino Selo
"F"
Lipa
Kostur
Zeleni Jadar
Bogodol
Jasenova
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.
0 1,000 2,000 3,000 m

Map No. 4124 UNITED NATIONS
November 1999

Department of Public Information
Cartographic Section

VIII. Aftermath of the fall of Srebrenica: 12-20 July 1995

The following section attempts to describe in a coherent narrative how thousands of men and boys were summarily executed and buried in mass graves within a matter of days while the international community attempted to negotiate access to them. It details how evidence of atrocities taking place gradually came to light, but too late to prevent the tragedy which was unfolding. In 1995, the details of the tragedy were told in piecemeal fashion, as survivors of the mass executions began to provide accounts of the horrors they had witnessed; satellite photos later gave credence to their accounts.

The first official United Nations report which signalled the possibility of mass executions having taken place was the report of the Special Rapporteur of the Commission on Human Rights, dated 22 August 1995 (E/CN.4/1996/9). It was followed by the Secretary-General's reports to the Security Council, pursuant to resolution 1010 (1995), of 30 August (S/1995/755) and 27 November 1995 (S/1995/988). Those reports included information obtained from governmental and non-governmental organizations, as well as information that had appeared in the international and local press. By the end of 1995, however, the International Tribunal for the Former Yugoslavia had still not been granted access to the area to corroborate the allegations of mass executions with forensic evidence.

The Tribunal first gained access to the crime scenes in January 1996. The details of many of their findings were made public in July 1996, during testimony under rule 60 of the Tribunal's rules of procedure, in the case against Ratio Mladić and Radovan Karadžić. Between that time and the present, the Tribunal has been able to conduct further investigations in the areas where the executions were reported to have taken place and where the primary and secondary mass graves were reported to have been located. On the basis of the forensic evidence obtained during those investigations, the Tribunal has now been able to further corroborate much of the testimony of the survivors of the massacres. On 30 October 1998, the Tribunal indicted Radislav Krsti , Commander of the BSA's Drina Corps, for his alleged involvement in those massacres. The text of the indictment provides a succinct summary of the information obtained to date on where and when the mass executions took place.

The aforementioned sources of information, coupled with certain additional confidential information that was obtained during the preparation of this report, form the basis of the account which follows. Sources are purposely not cited in those instances where such disclosure could potentially compromise the Tribunal's ongoing work.

A. 12 July: meetings with Mladić; deportation commences

318. On 12 July, the Special Representative of the Secretary-General transmitted the text of the Dutchbat Commander's report to United Nations Headquarters in New York. In doing so, he also provided an update of the situation as it stood at that time. He indicated that the BSA was still holding 31 Dutchbat soldiers hostage, including the B Company Commander who had been apprehended by the BSA the day before. He added that the three observation posts that were still being manned were now behind Serb lines. He also stated that Dutchbat could provide only two meals for each of the refugees in Potočari, after which their stocks would be exhausted. He stressed that Bosnian Government authorities were opposed to the United Nations plan to evacuate all those in Potočari who wished to leave Srebrenica. Minister Hasan Muratović, on behalf of the Bosnian Government, had reportedly told UNHCR representatives that his Government did not accept the evacuation of civilians out of Potočari, other than in cases of medical emergencies. Mr. Muratović had apparently added that because Srebrenica was a "United Nations safe area", the newly displaced should be accommodated there. The Special Representative also indicated in his report that there was a "real concern" that Žepa would be the next objective of the Serbs. General Maldić had reportedly announced on Bosnian Serb radio that all Bosnians in Žepa

ould lay down their weapons, and would not be hurt if they d so. Furthermore, the BSA had shelled four UNPROFOR servation posts in Žepa and there had been an increase in ghting around the enclave. He concluded that "with only 20 soldiers in Žepa, the Ukrainian forces will not be able mount much of a defence if the enclave is attacked".

19. Meanwhile, in Srebrenica, General Mladić had not noured his pledge to cease the attack on the enclave. In e morning hours of 12 July, the BSA fired artillery and ortar rounds in the area of OP Papa, which was located on e road from Potočari to Bratunac in the north of the nclave. At 0800 hours, the BSA telephoned the crew of OP apa to inform them that their tanks and artillery were dvancing, and that they would fire on the crew if they tried resist. At 0930 hours, the BSA entered OP Papa and isarmed the crew, but allowed them to return to Potočari. Approximately one hour later, the BSA tanks and personnel ontinued down the road towards Potočari.

20. At about this time, the Dutchbat Commander arrived n Bratunac for his third meeting with General Mladić. Three ivilians representing the refugees accompanied him. The neeting lasted approximately one and a half hours and was ideotaped by the Serbs. The representatives again tried to mpress upon Mladić the desperate humanitarian situation of the civilian population of Srebrenica. Mladić responded with what the Dutchbat Commander has since described, during his testimony to the Tribunal in July 1996, as a long historical monologue, focusing particularly on the Bosniacs' attacks on Serbs in the Srebrenica area during 1992-1993 under Orić's leadership. Mladić claimed that he was willing to assist the 25,000 gathered in the Potočari area, but he required the cooperation of Srebrenica's local civilian and military authorities. He insisted, once again, that the Bosniacs should disarm. He offered to allow the civilians gathered around Potočari to stay in Srebrenica if they wished, or alternatively, to be evacuated to Government-held territory around Tuzla, to Bosnian Serb-held territory, or to third countries. He added, however, that he would not assist those people as long as he continued to receive reports that the Bosniacs were still conducting attacks around the enclave, as he had heard. Mladić also reiterated his threat of the previous day that, if air power were employed against the BSA, he would retaliate by shelling the Dutchbat compound. Mladić also insisted that he see all the men between the ages of 17 and 60 because he alleged that there were "criminals" in the crowd gathered in Potočari, and that he would need to question each one of them. Mladić requested the Dutchbat Commander to provide the BSA with diesel in order to facilitate the evacuation. The Dutchbat Commander responded that he had no diesel to provide the BSA and requested that he be allowed to put one of his soldiers on each of the buses evacuating the population. Mladić apparently concurred and indicated that the transport of the population to Kladanj, the nearest Government-held town, would commence at 1300 hours.

321. The Dutchbat Commander and the three Bosniac civilian representatives returned to Potočari by 1230 hours. Upon his return, the Dutchbat Commander requested the civilian representatives to draw up an evacuation plan. The representatives decided that they would try to put a small number of men who were both inside and outside the compound on each of the buses, which they assumed would be provided by the international community, to ensure they were safely evacuated. While the Dutchbat Commander was meeting with Mladić, five Serb soldiers had entered the Dutchbat compound in Potočari. They had been allowed to do so by the Deputy Battalion Commander, in order to confirm that there were no armed Bosniac soldiers on the premises. The soldiers conducted their check and left the compound within a short period of time. This proved to be the first and only time that the BSA actually entered the compound until the deportation of the civilians had been completed.

322. At 1240 hours, the United Nations military observers reported that Bosnian Serb soldiers had entered Potočari, and had taken up positions surrounding the Dutchbat compound. They also reported that the BSA had surrounded the factory outside the compound where thousands of refugees had gathered the day before. Between 1300 hours and 1500 hours, the BSA arrived at Potočari with 40 to 50 vehicles, including vans, trucks and small military vehicles. Mladić himself arrived on the scene during this period, accompanied by a large entourage of journalists and television cameras. The television cameras filmed scenes of the BSA handing out bread and water to the refugees, and tossing candy to children. During his testimony to the Tribunal in July 1996, a witness for the prosecution translated excerpts of Mladić's own address to the civilians, which was recorded on Serbian television. Mladić said to them:

> "Don't be afraid. Just take it easy, easy. Let women and children go first. Plenty of buses will come. We will transfer you towards Kladanj. From there you will cross to the territory controlled by Alija's forces. Just don't panic. Let women and little children go through first. Do not let any of the children get lost. Don't be afraid. Nobody will harm you."

323. Speaking to a reporter, Mladić continued:

> "Today I received a delegation from the population and they asked me whether I could give them the

> means to help them leave the territory. They wanted to leave and cross to the territory controlled by the Muslims and Croats. Our Army does not want combat activities against civilians, or against the UNPROFOR forces. The aim was not to fight civilian populations. We have nothing against the people here or UNPROFOR. We have provided transportation, food, water and medicine for them. During the day we are going to evacuate women and children, elderly persons and all others who are willing to leave this area of combat activities without being forced to do so."

324. Following Mladić's remarks to the press, the deportation of the roughly 20,000 people outside the Dutchbat compound began. The BSA troops immediately began separating the men (between the ages of approximately 16 and 65) from the women, children and elderly who were boarding the buses. Only a small number of the men were able to board the first few buses, after which none were allowed to board them. There are varying estimates as to how many men within this age group were outside the compound at that time. Some are as high as 3,000, others are substantially lower. These men outside the compound were systematically being directed away from the buses destined for Kladanj, and towards what has come to be known as the "white house" located directly in front of the Dutchbat compound in Potočari.

325. As this was happening, the Dutchbat Deputy Commander instructed the civilian representatives to draw up a list of all the men between the ages of 16 and 65 both inside and outside the compound. The representatives objected, and protested that the evacuation plan that they had prepared was being ignored. Nevertheless, another civilian proceeded to draw up a list of 239 men in the compound. It appears that at least 60 men refused to allow their names to be put on the list. No such list was drawn up for the men who were outside the compound. The Deputy Battalion Commander has since explained that he insisted on the list being drawn up in order to forward the information to ICRC and other authorities, so as to keep track of the men. He has further explained that he initially protested to the BSA about the separation of the men, but relented when the latter claimed that the men would not be harmed and would simply be questioned as prisoners of war in accordance with the Geneva Conventions.

326. By the end of the day on 12 July, some 5,000 women, children and elderly were deported by the BSA to Kladanj, via Bratunac, Nova Kasaba, Milići, Vlasenica, Tišća and Luka, from where they were forced to walk 6 km to the confrontation line near Kladanj. The journey by road appears to have taken approximately 6 hours. Dutchbat personnel were not able to put a soldier on each of the buses as they had intended because of the unexpected numbers of buses and the speed with which they arrived. They therefore decided to provide one escort vehicle for each of the convoys. During their debriefing, the Dutchbat members involved in the escorts reported that they had not seen any maltreatment of the occupants of the convoys, though they admitted that they would not necessarily have been able to detect if any of the buses within the convoys were diverted elsewhere; some of the convoys were apparently too long for them to keep all the buses in sight. By the end of the day, the BSA had hijacked 13 or 14 of the Dutchbat vehicles that were escorting the convoys, together with their weapons and equipment.

327. It has since been learned that the small number of men who had managed to board the buses at Potočari were detected and separated from the convoys between Tišća and Luka and placed in an elementary school at Luka. One or two days later, the BSA loaded 25 of them on to a truck and drove them to an isolated pasture near Vlasenica, where they were shot.

328. Meanwhile, during the course of the day, the Force Commander sent a letter to General Mladić in which he wrote: "the humanitarian situation in Potočari is possibly worse than at any time in this sad and unnecessary war, and will certainly become a disaster of unparalleled magnitude if urgent measures are not immediately taken. My aim in writing to you on this subject is to enlist your support in saving lives on a grand scale." The Force Commander proposed that Mladić allow heavy-lift United Nations helicopters to fly in food and medicine to Potočari, and that the wounded be medically evacuated to central Bosnia. He also proposed to send a negotiating team to Potočari to act as his personal envoys, and enter into negotiations "with the aim of saving further lives". He continued: "... an early sign of your goodwill in these negotiations will be to allow them free access into Potočari, and thereafter unrestricted movement". Mladić subsequently refused any overture from the Force Commander, or senior UNPROFOR officers based in Sarajevo, to travel to Srebrenica to negotiate with him. In fact, General Gvero told the UNPROFOR Commander's Chief of Staff on the afternoon of 12 July that the BSA would only deal with the Dutchbat Commander and that they refused to allow the helicopter flights into Srebrenica, because they "could not guarantee their safety".

B. 12 July: Security Council resolution 1004 (1995)

329. By mid-afternoon Bosnia time on 12 July, the Security Council in New York had convened in emergency session. It unanimously adopted resolution 1004 (1995) in which, acting under Chapter VII of the Charter, it demanded that "the Bosnian Serb forces cease their offensive and withdraw from the safe area of Srebrenica immediately". It also demanded unimpeded access for UNHCR and other international humanitarian organizations to the safe area of Srebrenica "in order to alleviate the plight of the civilian population". The Council also requested the Secretary-General to "use all resources available to him to restore the status, as defined by the agreement of 18 April 1993, of the safe area of Srebrenica in accordance with the mandate of UNPROFOR", and called upon the parties to cooperate to that end (para. 6).

330. During the debate on that resolution (see S/PV.3553), some of the members of the Council clarified their positions. Prior to the vote, the representative of Bosnia and Herzegovina was given the floor, and read out a statement by President Izetbegovic. In it, the President demanded that "the United Nations and NATO re-establish by force the violated safe zone of Srebrenica within the borders before the attack, namely of May 1993", and added: "if they cannot or do not want to do this, we demand that this be publicly announced".

331. The representative of France then stated that his Government did not wish to "impose the use of any particular means". He added: "we are simply saying that we are ready, if the civilian and military authorities and the United Nations force consider it appropriate, to make troops available for any operations they regard as realistic and realizable".

332. The representative of Italy, referring to paragraph 6 of the resolution, stated that his Government strongly hoped "that this objective will be achieved by peaceful means through negotiation and persuasion".

333. The representative of Nigeria stated: "today in Bosnia there is no peace to keep and no political will to impose one. Herein lies the dilemma of the continued involvement of the United Nations with the situation .... The fall of the safe area of Srebrenica simply adds to the dilemma and reinforces what we have all known — that is that the phrase 'safe areas' is becoming a sad misnomer ... the draft resolution before us is intended to reverse the latest of the debacles that have befallen the international community in trying to confront a determined and systematic aggressor. Whether the draft resolution contains enough strong elements and any additional political will which will finally convince the aggressor of our collective determination to draw the line remains to be seen."

334. The representative of the Russian Federation stated: "we must again note that the use of air power is not the road to a solution. Nor do we see a solution in the withdrawal of United Nations forces from Bosnia or a build-up of pressure by force, which would have serious adverse consequences, but rather in ensuring the secure and effective functioning of UNPROFOR. We note that the draft resolution mandates the Secretary-General to use all resources available to him to restore the status as defined by the agreement of 18 April 1993 of the safe area of Srebrenica in accordance with the mandate of UNPROFOR. It is clear that this provision precludes the option of using force which would exceed the context of the present mandate of a peacekeeping operation."

335. Following the vote on the resolution, the representative of the United States stated: "obviously, we all prefer peaceful means, but when brutal force is used the Secretary-General must have the right to use the resources available to him, in consultation with the relevant troop contributors, as stated in this resolution, to employ our resources in the most effective manner possible to meet the humanitarian needs of so many desperate Bosnian citizens and to achieve a lasting peace. To help achieve these ends, my Government firmly believes that UNPROFOR must remain in Bosnia, supported by the rapid reaction force ...."

336. The representative of the United Kingdom stated that "this Council has now requested the Secretary-General to use all resources available to him to promote the restoration of the status of Srebrenica as a safe area, as agreed by the parties in April 1993. It is through demilitarization of the area that the civilian population who wish to do so will be able to remain without fear. This Council has reaffirmed that objective. We hope that UNPROFOR, acting within its mandate, can bring the parties once more to recognize that full implementation of the April 1993 agreement represents the best way forward."

337. The representative of China then spoke, stating that his Government had "reservations about taking enforcement action by invoking Chapter VII of the Charter, as set forth in the resolution". He added that his Government was also "concerned and disturbed at the serious political and military consequences that might arise from the actions authorized in the resolution, in particular, the possibility that the peacekeeping force could thus become a party to the conflict and lose the basis of its continued existence as a result."

338. The representative of the Czech Republic stated that "the demands contained in [this] Security Council resolution ... are fair and should be met. However, past experience shows, and not only in the case of Bosnia and Herzegovina, that unless our demands are underpinned by a genuine resolve and determination to see them through, they will remain unfulfilled. The party to which today's resolution is particularly addressed knows this, and I am sure that its leaders will be very carefully assessing our response to their challenge. If today we have adopted just another resolution full of demands that will not be underpinned by our determination to see them fulfilled, then we will be doing more harm than good, not only to the situation in Bosnia and Herzegovina but also to the position of the Security Council. The Bosnian Serbs will be reaffirmed in their belief that Security Council resolutions are just paper tigers. They will be tempted to repeat what they did in Srebrenica in Žepa, Goražde and other so-called safe areas, knowing that they can do so with impunity."

339. The United Nations Secretariat had forwarded a copy of the draft resolution to the Special Representative of the Secretary-General the previous day, for his comments. The Special Representative expressed concern at the implication in paragraph 6 and of the use of force to restore the status of the safe area. He concluded that the resolution would "again raise unrealistic expectations" and could potentially be interpreted as authorizing the use of force by the rapid reaction force to retake Srebrenica, which would "again blur the distinction between peacekeeping and peace enforcement". The Force Commander immediately began to prepare an assessment of the feasibility of re-establishing the safe area by force, as requested by the United Nations Secretariat. He communicated his preliminary thought that this was not an option that could be achieved with the resources currently available to UNPROFOR. The Under-Secretaries-General for Peacekeeping Operations and Political Affairs agreed with the assessment of the Special Representative and the Force Commander that, under the circumstances, negotiations would offer the only hope of achieving the objectives identified by the Security Council, and for that purpose, it would be necessary to open dialogue with the Bosnian Serbs. They proposed that the Secretary-General appoint a Special Envoy to take on this role, and in this regard suggested that Mr. Stoltenberg was immediately available to do so. The Secretary-General, who was travelling in Africa as these events were unfolding, agreed.

C. Night of 12 July: sporadic killing begins

340. As night fell on Potočari on 12 July following the Security Council's adoption of resolution 1004 (1995), the "white house" in front of the Dutchbat compound began to fill up with Bosniac men, and the BSA began transporting them to Bratunac, where upon arrival they were packed into a hangar. The Dutchbat personnel were not permitted to accompany them, or even escort the buses transporting them. One individual who was transported to Bratunac from Potočari, known as "Witness A", later testified to the Tribunal in July 1996 that, during the course of the night of 12 July, the BSA dragged men out of the hangar, one by one, and beat them with blunt instruments. On the basis of his testimony, it appears that there were at least a few hundred men in the hangar at this time. The same source assessed that the BSA killed roughly 50 of these men during the course of the night.

341. At around midnight on 12 July, a convoy that had left Potočari six hours earlier arrived near the disembarkation point en route to Kladanj. Dutchbat personnel had managed to accompany this convoy of seven vehicles, carrying 54 wounded and 10 locally recruited MSF employees. During their debriefing, the Dutchbat personnel reported that the BSA turned aggressive when they saw that 20 of the wounded were men of military age. The BSA dragged the wounded off the vehicles and forced them to proceed on foot to Kladanj. Many of these, the Dutchbat assessed, would have had to crawl the 6 or 7 km to Kladanj because they were unable to walk. The Dutchbat personnel also reported that the BSA detained at least two or three female MSF employees, and that they did not know of their fate. While the wounded who could either walk or crawl proceeded towards Kladanj, there were still 34 wounded who could not even crawl. The BSA refused the Dutchbat request to assist them. These 34 were left on the vehicles, which were then sent back to Bratunac. That convoy was forced to wait until morning, at the enclave boundary between Potočari and Bratunac, by which time one of the wounded had died.

342. The Dutchbat debriefing report also indicated that during the night of 12-13 July the BSA was probably committing further abuses against the men in Potočari. The report noted that, during the early evening of 12 July, a Dutchbat soldier saw about 10 people being led by two armed BSA soldiers in a westerly direction from the Dutchbat compound towards a dirt track. Several soldiers from Dutchbat went to the area on 13 July and found the corpses of nine men near a stream. All of the dead had gunshot wounds in their backs at heart level. In another incident, Dutchbat personnel saw BSA soldiers force at least

five men into a large factory opposite the Potočari compound. Shortly afterwards, they heard five or six shots. A Serb soldier later emerged from the factory, armed with a pistol, but the Dutchbat soldiers were unable to ascertain what had taken place. Another Dutchbat soldier described an incident where he saw a man kneeling or sitting in the middle of a group of Serbs. The group was approached by a number of Serb soldiers, who took the man and dragged him to an area behind a house. Screams and a shot were then heard, and the soldiers returned alone, shook hands with the other Serbs and left; the Dutchbat soldier could not establish at that time whether an execution had taken place. In another account, a Dutchbat soldier saw five male refugees disembark from a mini-bus near the Potočari compound entrance. Two of the men tried to flee, but ran straight into Bosnian Serb soldiers. The Dutchbat soldier heard two shots and saw both men fall to the ground.

343. Also on the night of 12 July, as the front of the column of the approximately 15,000 men proceeded north and then west from Srebrenica, Serb fighters began to close in on them, using not only longer-range heavy weapons, but also mortars, bazookas and small arms. The Serbs established a cordon along the paved road that passed through Konjević Polje and Nova Kasaba and across which the Bosniacs would have to pass. The first Bosniac units crossed the road before the cordon was fully established, just south of Konjević Polje. Crossing the road, the Bosniacs heard Serb patrols hailing them with megaphones, urging them to surrender. They also saw UNPROFOR vehicles (which had been commandeered by the Serbs) and soldiers in blue helmets.

344. Behind this first group of Bosniacs, the middle section of the column was being ambushed. A large section of the column had stopped to rest at a clearing near Kamenica, known locally as Kameničko Brdo. Survivors recalled that a group of at least 1,000 Bosniacs were engaged at close range by small arms. Hundreds appear to have been killed as they fled the clearing. The skeletonized remains of some of those killed in this ambush remained clearly visible to Tribunal investigators and United Nations staff members passing through in 1996. Survivors recalled how many wounded were left behind, some of whom shot themselves or detonated grenades in order to escape capture. Some wounded were carried along with the survivors, later surrendering.

345. In summary, there is strong documentation to suggest that summary executions did take place on 12 July, into the night and early morning hours of 13 July. It does not appear, however, that the largest number of execution had yet been carried out. Information from Serb sources appears to suggest that the decision to kill the men of Srebrenica may have been taken only after the fall of Srebrenica. The decision to assemble a large number of civilian and military vehicles for the deportation process appears to have been taken independently. Information currently available does not suggest that vehicles from the Federal Republic of Yugoslavia were engaged at this stage.

D. 13 July: killing of hundreds of unarmed men and boys begins

346. The United Nations military observers in Srebrenica reported that the Bosnian Serbs had resumed the deportation of the population outside the Potočari compound at approximately 0700 hours on 13 July. The Serbs again continued to separate the men from the women and children, diverting the men to Bratunac. As before, the BSA prevented Dutchbat from following the latter group, or ascertaining where the men were being taken. The military observers also reported that they would try to investigate a rumour that the Serbs had killed several men that they had taken out of the crowd the previous day. Neither the military observers nor Dutchbat reported that they had observed or had reason to believe that any other abuses had been committed thus far. Dutchbat's capacity to monitor the situation, however, had been sharply reduced; no longer possessing the vehicles required to escort each of the convoys, they had established four static checkpoints along the route to Kladanj on which the BSA had transported the population the previous day.

347. On the morning of 13 July, the first group of Bosniac men in the woods that had passed through the Serb cordons and had survived the ambush at Kameničko Brdo pressed on to high ground at Udrić in the municipality of Vlasenica, sporadically firing back at the pursuing Serbs. There they rested again, waiting for nightfall before moving out of forest cover to the north. For the next three days the column moved further north, largely at night and, where possible, in the shelter of the forest. Groups of men further back in the column began to surrender to the BSA in large numbers at this time, in two main areas: the first group surrendered in the Sandici meadow, west of Kravica; the second just north of Nova Kasaba near the football field. Large numbers of both groups that had surrendered were taken to Bratunac. Several hundred were not taken to Bratunac, however. They appear instead to have been packed into an agricultural warehouse in Kravica and killed by small arms fire and grenades. Visiting the Kravica warehouse several months later, United Nations personnel were able to see hair, blood and human tissue caked to the inside walls of this building.

The inside walls, floor and ceiling were also marked by the impacts of gunshots and explosions. One section of the wall had also been knocked down, apparently to facilitate the process of loading the remains of bodies into waiting vehicles. A smaller group, of approximately 70 individuals, appears to have been taken to a meadow near Kravica and shot along the river bank. None of this was known to outsiders at the time, until one of the survivors of the Kravica massacres, who had managed to hide under a pile of dead bodies for roughly nine hours, later escaped and told members of the media and international organizations what he had witnessed. The Tribunal was able to corroborate the account through forensic evidence obtained during exhumations in 1996.

348. The United Nations military observers reported that by 1715 hours the Serbs had completed the transport of all of the civilians outside the Potočari compound and had now begun the deportation of those within the compound. They assessed that the BSA would be able to complete the process within the hour. Most of those on the list of 239 men that had been prepared the day before, plus the group of at least 60 men who had refused to be put on the list, were still in the compound at this point. One witness who spoke with those men maintains that they thought that if they were handed over to the BSA they would be killed. This witness adds that these fears were expressed to the Dutchbat Deputy Commander, who was also reminded that the bodies of 9 or 10 men had been found next to a nearby stream, having been summarily executed. They pleaded not to be handed over to the Serbs, but to no avail. Dutchbat then ordered them to leave the compound and present themselves to the waiting Serbs. The Dutchbat personnel concerned have since stated that they did not believe they were handing these men over to certain death, and that they believed the men would be treated by the Serbs in accordance with the Geneva Conventions. They thought that, as they had prepared a list of the names of those handed over, the men would enjoy some degree of security. All 239 men on the list are still missing.

349. As the process of deportation was coming to an end, the first UNHCR team was able to reach what was left of the Srebrenica enclave. The UNHCR convoy had set out from Belgrade on 12 July, but had been stopped at the international border, and allowed to proceed only on the afternoon of 13 July. The convoy passed through Bratunac, where Serb soldiers, many of whom appeared to be drunk, could be seen celebrating in the streets. The convoy then proceeded to Potočari, where they found UNPROFOR and Serb soldiers working together to bring the last groups of Bosniacs from the UNPROFOR compound to the waiting Serb buses. When this operation was completed, and after having attempted to secure safe passage out of Potočari for UNHCR's local staff members, the UNHCR convoy returned to Bratunac. There the UNHCR staff members heard from local Serbs that large numbers of Bosniacs were being held at the nearby football field. Darkness was falling, and from their motel rooms, the UNHCR team could hear sporadic shooting from the direction of the football field.

350. By the end of the day on 13 July, there were virtually no Bosniac males left in the former "safe area" of Srebrenica. Almost all were in one of four categories:

(1) Those alive and making their way through the woods towards Government-held territory;

(2) Those who had been killed on that journey;

(3) Those who had surrendered themselves to the Serbs in Potočari or on the way to Government-held territory, and who had already been killed;

(4) Those who had surrendered themselves to the Serbs in Potočari or on the way to Government-held territory, and who were being moved to Bratunac, pending relocation to execution and burial sites.

351. The United Nations military observers and Dutchbat were aware that Bosniac men were being detained in Bratunac, but did not know the precise numbers or locations. There is now strong evidence that between 4,000 and 5,000 Bosniac males were being held there in various locations around town: a warehouse; an old school; three lines of trucks and buses; and a football field. The Dutchbat soldiers being detained in Bratunac, meanwhile, were in different locations (the Hotel Fontana and the Technical School, both of which are close to the football field).

352. Although the precise details of what happened to the men of Srebrenica on 13 July have been reconstructed only after subsequent enquiry over the past four years, there was concern at the time, and at least five written messages were sent on that day, expressing alarm about potential human rights abuses having been committed or that potentially might be committed.

353. On the afternoon of 13 July, the United Nations military observers reported that General Mladić had told them that there were "several hundred" bodies of dead Bosniac soldiers in the Bandera triangle portion of the enclave. Mladić had requested Dutchbat to inform the ARBiH that it was not his "intention to kill any more soldiers. They only have to surrender and hand over their weapons". However, the BSA did not permit the military observers or Dutchbat to visit the area to verify that the bodies were indeed there. This report was subsequently

forwarded up the United Nations chain of command, reaching the Secretariat in New York the next morning. The Special Representative of the Secretary-General requested that the report not be made public, in order not to place the military observers in Srebrenica in further danger.

354. A team of United Nations military observers in Sector North-East separately reported that they had spoken to some of the refugees arriving in Kladanj from Potočari. The refugees told of having witnessed "men being separated from others, severely beaten, stoned and in some cases stabbed". They added that 30 to 35 wounded had been taken to Bratunac, and that another vehicle had "disappeared" en route to the drop-off point. In another report on 13 July, the UNPROFOR Commander (who had been recalled from leave) informed the Special Representative of the Secretary-General and the Force Commander that "reports of abductions and murder, unconfirmed as of yet, are beginning to be heard" from the Srebrenica area.

355. The Charge d'affaires of the Permanent Mission of Bosnia and Herzegovina also officially expressed his Government's concern on 13 July, in a letter to the Secretary-General (A/50/285-S/1995/573). He communicated the reports his Government had heard that men aged 13 years and older had been separated from those transported to Kladanj, and that their whereabouts were unknown. He added that there were additional reports of women between the ages of 15 and 35 whose whereabouts were also unknown. He noted that "the fate of these detainees is uncertain and there are substantial grounds to fear their execution, though these reports could not yet be confirmed". He concluded his letter by stating that "since the United Nations has failed to defend the population of Srebrenica, on United Nations demilitarized territory, it is not absolved of its obligations to provide for them now, once in government-held territory, after having exposed them to life-threatening danger resulting from the absence of timely United Nations action".

356. The Secretariat also learned from another source on 13 July that the Serbs had separated males of military age from among the displaced persons and brought them to Bratunac. The same day, the Secretariat expressed concern to his Special Representative that, without the presence of the non-governmental organizations, ICRC or other United Nations agencies in the area, the fate of those displaced persons would remain unknown. The Secretariat stressed that it was imperative that in any negotiations with the Serbs access to these individuals be given priority.

357. Furthermore, the Dutchbat debriefing report indicates that several members of Dutchbat independently saw corpses, or witnessed events on 13 July which gave rise to suspicions that potential grave abuses might have been committed. In addition to the 9 or 10 bodies which were found near a stream, one Dutchbat soldier witnessed, from a distance of approximately 200 m, four BSA soldiers executing a male victim with a shot to the back of the head. This incident took place near the Potočari compound. Another Dutchbat soldier stated that he possibly witnessed the BSA execute two refugees near the main gate of the Potočari compound. Two more Dutchbat witnesses recounted having visited the "white house" in Potočari on 13 July to give water to the men that the BSA had placed there. These two Dutchbat soldiers recounted that the refugees "were obviously terrified". They managed to take photographs of those refugees, but the Dutchbat debriefing report indicates that the film containing these images was "rendered useless" when it was developed. (No explanation was provided in this regard.) The same film apparently contained photographs of the 9 or 10 dead bodies found near the stream. Several other Dutchbat personnel reported seeing the bodies of between one and five men lying on the road between Bratunac and Konjević on 13 July, while they were escorting the convoys. Another Dutchbat soldier revealed that on 13 July he had observed what he estimated to be 1,000 Bosniac soldiers squatting in the football stadium to the north of Nova Kasaba. During that night, while in Nova Kasaba, he reported hearing "a great deal of shooting from hand-held weapons in a northerly direction".

358. A number of the Dutchbat personnel appear to have communicated some of the accounts described above to UNPROFOR personnel when they arrived in Zagreb at the end of July, as well as during their debriefing back in the Netherlands. As noted at the beginning of this chapter, those accounts were included in the report of the Special Rapporteur of the Commission on Human Rights, of 22 August 1995 (E/CN.4/1996/9), as well as in the Secretary-General's reports to the Security Council, pursuant to resolution 1010 (1995), of 30 August (S/1995/755) and 27 November 1995 (S/1995/988). However, it appears that only a very limited number of the accounts in paragraph 357 above were formally reported up the UNPROFOR chain of command on 13 July, or the following day — even though it appears that some of the Dutchbat personnel, who were not being held captive by the Serbs, may have had the means to do so at the time.

359. Thus, on 13 July, strong alarm was expressed at various levels that abuses might have been or were being committed against the men of Srebrenica, but none had been confirmed as having taken place at that time. Efforts were

nevertheless focused at the highest levels to try to address the situation.

360. On 13 July, the Secretariat provided the Secretary-General's Special Envoy, Thorvald Stoltenberg, with instructions on how he was to proceed with his high-level negotiations with the Bosnian Serbs, and if deemed appropriate, with the authorities in Belgrade. He was to try to negotiate a restoration of the safe area regime in Srebrenica or, if this was not possible, at least a continuing United Nations presence there. He was to negotiate the release of the United Nations personnel being detained and the restoration of their freedom of movement. He was also to obtain commitments for humane treatment of the refugees and displaced persons, in accordance with international humanitarian norms, and access for humanitarian convoys. Concerning the safe areas in general, he was also instructed to negotiate an end to all BSA attacks on the safe areas; the definition of the boundaries of the safe areas on the basis of maps prepared by UNPROFOR; demilitarization of the safe areas and freedom of movement for UNHCR and non-governmental organizations and access for humanitarian convoys. The Special Envoy was urged to coordinate closely with the Special Representative of the Secretary-General and the European Union negotiator, Carl Bildt, who had just returned from a meeting of the Contact Group held on the matter the previous day in London, and who was thought to be able to offer assistance through contact with the authorities of the Federal Republic of Yugoslavia.

E. 14 July: mass executions commence; European Union negotiator meets Milošević and Mladić

361. It has since been learned that the Bosnian Serbs began the systematic extermination of the thousands of Bosniac males being held in Bratunac in the early morning hours of 14 July. At that time, they began loading the Bosniacs into vehicles and transporting them to different locations in the wider area. Those locations turned out to be extermination sites, where there is strong evidence to suggest that all of those men were executed over the next two to three days (with the exception of a handful of individuals who survived by hiding under or among the dead bodies). Five of those locations, and the dates when the executions are believed to have taken place, were:

1. Orahovac (Lazete) — 14 July
2. The "dam" near Petkovici — 14 and 15 July
3. The Branjevo Farm — 16 July
4. The Pilica Cultural Centre — on or about 16 July
5. Kozluk — on or about 16 and 17 July.

362. One of the members of a unit participating in the executions, Dražen Erdemović (a Bosnian Croat who had enlisted in the BSA), surrendered himself to the Tribunal and, in 1996, provided it with detailed testimony of killings he had himself participated in, or was aware of, at two of the execution sites: Branjevo Farm and the Pilica Cultural Centre. Erdemović belonged to the "Tenth Sabotage Unit" based at Han Pijseak, the headquarters of the BSA. He recounted how the members of his unit were ordered on 16 July to go to a farm (Branjevo Farm) in the area of Pilica, though they were not initially told for what purpose. He then recounted how buses carrying Bosniac men began arriving at the farm, one by one, and how one of his commanding officers then ordered him and his unit "to execute those people, to shoot them". He remembered between 15 and 20 buses in total arriving, carrying men between the ages of 17 and 70. The men on the first bus were blindfolded and their hands were tied. The rest were neither blindfolded nor were their hands tied.

363. Another group of soldiers reportedly from the Bratunac Brigade joined Erdemović's unit as the buses were arriving. These soldiers proceeded to beat the civilians with bars. "They forced them to kneel and to pray in the Muslim manner, to bow their heads", Erdemović continued. He concluded that they were attempting to humiliate these men before they were to be killed. Erdemović emphasized that he attempted to extricate himself from the killings that were about to take place, because, he stated, "I was sorry for those people simply. I had no reason to shoot at those people. They had done nothing to me." He indicated that he nevertheless proceeded with the killings, facing the option of his own death. Even the bus drivers, he pointed out, were ordered to kill at least one man each "so that they could not testify". Erdemović believed that members of the Tenth Sabotage Unit and elements from what he presumed to be the Bratunac Brigade, including himself, proceeded to line up between 1,000 and 1,200 men that day, on the farm near Pilica, and systematically kill them. When asked how many people he killed himself, Erdemović responded: "I would rather not know how many people I killed". The killings were not over, however.

364. Erdemović recalled how after the executions had been carried out on the Branjevo Farm, one of his commanding officers said that there was still another group of about 500 Bosniac men being held in the Cultural Centre in Pilica. This time Erdemović managed to extricate himself from the

killing, which appears to have been carried out by small-arms fire and hand grenades thrown into the hall.

365. Erdemović told the Tribunal: "I wanted to testify because of my conscience, because of all that happened because I did not want that. I was simply compelled to, forced to, and I could choose between my life and the life of those people; and had I lost my life then, that would not have changed the fate of those people. The fate of those people was decided by somebody holding a much higher position than I did. As I have said already, what really got me, I mean, it has completely destroyed my life and that is why I testified." It is worth bearing in mind that Erdemović, a Bosnian Croat, remains the only individual who participated in the executions from 14 to 17 July who has surrendered himself. The Tribunal has reconstructed the crime scene from that period on the basis of the forensic evidence, which it has used to corroborate the stories of the handful of men who survived the executions.

366. The accounts of the survivors of the other execution sites are equally horrific. The horror for those being held in Bratunac had begun a few days earlier, on 14 July, when one group of men was loaded into buses and taken to a school near the Lazete Hamlet, where they were then jammed into a warehouse. Throughout the morning, the warehouse continued to be filled with men, until they were eventually taken out, given some water and told that they were to be exchanged. They were then put on trucks which took them 800 m north of the school, taken off the trucks, lined up in a field, and shot.

367. Also on 14 July, another group was taken from Bratunac past Zvornik to Karakaj and the aluminium factory, and were dropped of at the Petkovski school. They were jammed into the school's gymnasium and classrooms. During the course of the day, they were subjected to lethal beatings. In the afternoon and evening, people were placed in trucks and taken to the plateau of the dam of the aluminium factory (the Red Dam), and executed. Some of their bodies are believed to have been thrown in the lake, others piled into mass graves.

368. On or about 15 July, a group of approximately 450 people were taken from Bratunac to Kozluk, located on the Drina, north of Karakaj. They were all summarily executed, only a few hundred metres from the barracks of the "Drina Wolves".

369. On 16 July, the column of Bosniac men that had set out from Srebrenica and Šušnjari was still trying to make its way to ARBiH-held territory. Many of these men surrendered and were apparently loaded on buses and trucks and taken to the Cerska Valley. One Srebrenica survivor later recalled realizing that he was walking on blood as he arrived there, and that one week later others passing through the Cerska Valley could smell corpses. One hundred and fifty bodies with their hands bound were subsequently found at a mass grave near this location.

370. Over the past four years, the Tribunal has been able to determine that those killed between 14 and 17 July were buried within 24 to 48 hours in mass graves in close proximity to the execution sites. (See the map at the end of this chapter.) In some cases, the victims were made to dig their own graves. In others, they were shot while standing in them. It appears that, over the course of the next several months, the bodies were taken out of the initial mass graves, and reburied in 33 different "secondary sites". Each of these secondary sites is believed to contain the remains of between 80 and 180 bodies. The Tribunal has managed to probe each of those sites, and has fully exhumed seven of them. To date, the Tribunal has found the remains of approximately 2,000 victims from those sites which it has fully exhumed, of which the identities of roughly 30 have been determined thus far.

14 July: meeting with Milošević and Mladić

371. The international community does not appear to have had any evidence at the time that executions were taking place in such staggering numbers. In fact, almost all the individuals interviewed in the context of this report indicated that they simply did not expect, or even imagine, the possibility of such barbarity. However, the Dutchbat debriefing report reveals that two Dutchbat soldiers, on their way back from Nova Kasaba to Bratunac on 14 July, had seen between 500 and 700 corpses on the roadside. However, the same report indicated that two other members of Dutchbat travelling in the same vehicle saw only a few corpses. No written record has been located indicating that Dutchbat made either account available to the UNPROFOR chain of command on 14 July, or in the days immediately thereafter. Thus, it is not clear how many bodies were there at the time, and if they were those of soldiers who had been in the "column" and had been killed in battle with the BSA, or those of defenceless individuals who had been summarily executed.

372. On 14 July, the European Union negotiator, Mr. Bildt, travelled to Belgrade to meet with President Milošević. The meeting took place at Dobanovci, the hunting lodge outside Belgrade, where Mr. Bildt had met President Milošević and General Mladić one week earlier. According to Mr. Bildt's public account of that second meeting,[illegible] he pressed the President to arrange immediate access for UNHCR to assist

the people of Srebrenica, and for ICRC to start to register those who were being treated by the BSA as prisoners of war. He also insisted that the Netherlands soldiers be allowed to leave at will. Mr. Bildt added that the international community would not tolerate an attack on Goražde, and that a "green light" would have to be secured for free and unimpeded access to the enclaves. He also demanded that the road between Kiseljak and Sarajevo ("Route Swan") be opened to all non-military transport. President Milošević apparently acceded to the various demands, but also claimed that he did not have control over the matter. Milošević had also apparently explained, earlier in the meeting, that the whole incident had been provoked by escalating Muslim attacks from the enclave, in violation of the 1993 demilitarization agreement.

373. A few hours into the meeting, General Mladić arrived at Dobanovci. Mr. Bildt noted that General Mladić readily agreed to most of the demands on Srebrenica, but remained opposed to some of the arrangements pertaining to the other enclaves, Sarajevo in particular. Eventually, with President Milošević's intervention, it appeared that an agreement in principle had been reached. It was decided that another meeting would be held the next day in order to confirm the arrangements. Mr. Bildt had already arranged with Mr. Stoltenberg and Mr. Akashi that they would join him in Belgrade. He also requested that the UNPROFOR Commander also come to Belgrade in order to finalize some of the military details with Mladić.

374. Meanwhile, the Security Council had again convened to discuss the situation in Srebrenica and had adopted a presidential statement (S/PRST/1995/32) in which it recalled its resolution 1004 (1995) and expressed deep concern about the ongoing forced relocation of tens of thousands of civilians from the Srebrenica safe area to the Tuzla region by the Bosnian Serbs. The Council considered this forced relocation to be a clear violation of the human rights of the civilian population. The Council was "especially concerned about reports that up to 4,000 men and boys had been forcibly removed by the Bosnian Serb party from the Srebrenica safe area". It demanded that "in conformity with internationally recognized standards of conduct and international law the Bosnian Serb party release them immediately, respect fully the rights of the civilian population of the Srebrenica safe area and other persons protected under international humanitarian law and permit access by the International Committee of the Red Cross".

F. 15 July: massacres continue; agreement reached between Mladić and the United Nations Protection Force

375. The Co-Chairmen of the International Conference on the Former Yugoslavia, the Special Representative of the Secretary-General, and the UNPROFOR Commander convened for a meeting at the United States Embassy in Belgrade on the morning of 15 July. Mr. Bildt briefed the gathering on the results of his meeting with Milošević and Mladić the previous day. Aware of reports that grave human rights abuses might have been committed against the men and boys of Srebrenica, but unaware that mass and systematic executions had commenced, the gathering of senior international officials then joined Milošević and Mladić for a largely ceremonial meeting over lunch. This was followed by a meeting between the UNPROFOR Commander and Mladić to finalize the details.

376. In his account of those meetings,[28] Mr. Bildt explains that the participants decided not to initially reveal publicly that the meeting had been held, or to divulge the substance of any agreements reached. He explains that this decision was taken because the meeting with Mladić was ostensibly taking place without Karadžić's knowledge and that they did not want the latter to find out. (Mr. Bildt indicates that it had become part of a concerted effort to use Mladić in order to undermine Karadžić.) Mr. Bildt adds that it was nevertheless decided that the provisions of the agreement relating to Srebrenica would take effect immediately, even if not officially signed, whereas the provisions relating to Goražde, Žepa and Sarajevo and other matters would be finalized after another meeting between Mladić and the UNPROFOR Commander, to be held in Serb-held territory outside of Sarajevo, at 1200 hours on 19 July. The second meeting would not be kept secret, and after its conclusion, all points agreed upon, including on Srebrenica, would then be revealed.

377. The points of agreement reached on Srebrenica, as reported to United Nations Headquarters at the time, were the following:

> Full access to the area for UNHCR and ICRC;
>
> ICRC to have immediate access to "prisoners of war" to assess their welfare, register them, and review procedures at Bosnian Serb reception centres in accordance with the Geneva Conventions;
>
> UNPROFOR requests for resupply of Srebrenica, via Belgrade, Ljubovija and Bratunac, to be submitted on 17 July;

Dutchbat troops in Srebrenica to be free to leave with their equipment on 21 July or shortly thereafter via Bratunac (both the UNPROFOR Commander and Mladic to observe the move);

UNPROFOR to organize immediate evacuation of injured persons from Potočari and Bratunac, including provision of ambulances; UNPROFOR presence, "in one form or another" [was] agreed for "key areas".

378. As concerns the other matters, it was agreed in principle that UNHCR and UNPROFOR forces would be given freedom of movement to and from Goražde and Žepa, via Belgrade and Visegrad. Normal traffic would be established to Sarajevo via the land corridor between Kiseljak ("Sierra One") and Ilidza. The UNPROFOR Commander maintained that he would continue to use the route over Mount Igman whenever he deemed that the circumstances on the route via Kiseljak were unsatisfactory. The Serbs proposed that all generals commanding warring parties be invited, in the presence of Mr. Bildt, to discussions on a cessation of hostilities agreement. A meeting would be arranged for UNHCR with General Gvero, to be held at noon on 16 July, at Jahorina.

379. Shortly after the meeting, the Special Representative's staff in Zagreb informed him that the BSA had released the Dutchbat soldiers being held hostage, and that they would be picked up the following day in Belgrade. The Special Representative's staff also prepared an update on the situation as they knew it at that point. They wrote that 10,000 people were rumoured to be making their way through the forest, and that reportedly less than one third of them were armed. They went on to state: "We still have no clear idea where the Bosnian males in Srebrenica are. UNHCR has heard rumours that the men could now be in Bijeljina. The United Nations military observers have heard shots in the forest near Bratunac, suggesting that some of the men could have been shot. MSF is reporting massacres on the road between Bratunac and Kladanj, and this could explain the four buses which disappeared." The report confirmed that ICRC still had not obtained access to any of the missing men and boys.

380. Also by 15 July, UNPROFOR and UNHCR had started to resolve their differences with the Government of Bosnia and Herzegovina over the relocation of the displaced persons from Srebrenica. The Special Representative reported to United Nations Headquarters in New York that there were 5,670 displaced being housed in roughly 720 tents at the Tuzla airbase. The Bosnian Government authorities had begun to arrange accommodation for another 11,000 displaced in various locations within the Tuzla Canton. Scores of other displaced persons were able to find accommodation with friends and relatives on their own. By 15 July, ICRC had registered a total of 19,700 women, children and elderly (and a very small number of men of military age) as having passed through Kladanj from Potočari. UNPF estimated that up to 20,000 persons from Srebrenica, mainly men of military age, remained unaccounted for. (UNPF added as a note of caution, however, that the figure of those missing had been deduced from the enclave's total population, estimated by UNHCR at 42,000, which was assumed to be inflated, though it was not clear to what extent.) UNPF indicated that the only reports received on the men's whereabouts to date was from MSF, which believed that some 700 males were being held in the football stadium in Bratunac.

381. Members of UNPROFOR's civil affairs staff, representatives of the United Nations High Commissioners for Human Rights and Refugees, ICRC, various non-governmental organizations and Member States, as well as members of the press, began interviewing the displaced persons who were gathered at the Tuzla airbase and the surrounding areas as they arrived. They began to tell the stories of the killings they had witnessed, and the abductions and rapes of which they were aware. None of the survivors of the mass executions had yet made it to Tuzla, however. Meanwhile, the United Nations military observers reported that the BSA had now taken over their former headquarters in the PTT building in Srebrenica. The first group of Serb families were also now moving into the houses left vacant by the town's former inhabitants.

382. Amidst the growing concerns about the fate of the men of Srebrenica, the ongoing attack on Žepa and concerns of potential attacks on other safe areas, the Prime Minister of the United Kingdom of Great Britain and Northern Ireland called for a major international conference to be held in London, on 21 July, in order to decide on a strategy to address the crisis.

G. 16-18 July: Mladic still does not honour agreements related to Srebrenica; widespread reports of atrocities begin to surface

383. The Dutchbat soldiers who had previously been held hostage in areas held by the Bosnian Serbs arrived in Zagreb on the afternoon of 16 July and returned to the Netherlands the following day. The following remained in Potocari awaiting relocation: 383 Dutchbat soldiers, 3 United Nations military observers, 6 UNPROFOR interpreters, 2 UNHCR

local staff; 8 MSF staff; 2 representatives of the refugees (who had accompanied the Dutchbat Commander to negotiate with Mladić; the third had been handed over to the BSA on 13 July, and remained unaccounted for); and approximately 88 wounded local inhabitants.

384. On 16 July, a convoy from the Norwegian Logistics Battalion based in Tuzla attempted to cross through Serb-held territory to Potočari, in order to pick up the remaining wounded at the Dutchbat compound. The convoy was forced to turn back after being fired upon by the BSA. The BSA also hijacked a Dutchbat convoy between Bratunac and Zvornik, confiscating the vehicle, weapons and equipment of the crew. It was not until 17-18 July that the ICRC was able to gain access to the wounded being held in Potočari and Bratunac. They were able to evacuate 65 of them to safety, but the BSA detained the remaining 23 as "prisoners of war". ICRC was able to note their identity and whereabouts. At the same time, the BSA continued to deny access to the thousands of men whose whereabouts remained unaccounted for. It also pressured the Deputy Battalion Commander of Dutchbat and a representative of the Bosniac civilians in Srebrenica to co-sign a declaration indicating that the "evacuation" of the population of Srebrenica had been conducted according to international humanitarian law. The Dutchbat officer concerned has since categorically rejected the validity of the "declaration". He has stated that his signature (and that of the Bosniac representative) was solicited under duress, and that, in any event, it only applied to those convoys which United Nations personnel had escorted, as indicated in the hand-written notation which he insisted be inserted in the text.

385. Late in the evening of 16 July and in the early morning hours of 17 July, some 4,500 to 6,000 from the column of men and boys who had fled Srebrenica through the woods crossed into ARBiH-controlled territory in the southern Sapna area.

386. Interviewed in the context of this report, some of the Bosniacs who survived the six-day march through the forest explained how, having passed the first Serb cordon, they encountered a second cordon near the village of Krizavici. Several hours of intense fighting had taken place, but they had managed to press on. Heavy rain and hail had provided some additional cover as the column passed through the municipality of Zvornik. As the column of Bosniac men approached the main Serb-Federation confrontation line, they had attacked a Serb command post, capturing two tanks and a 20-mm Praga gun. Using the captured tanks and guns, the Bosniacs then crossed the first of three lines of Serb trenches. They then signalled forward to the Federation, hoping that the ARBiH Second Corps would launch an operation to hold down or divert Serb forces as they attempted to cross the confrontation line. The Second Corps did not mount any such diversionary attacks. However, Srebrenica's former commander, Naser Orić, had assembled a company of volunteers on Federation territory. When Orić and his men ascertained the location at which the Srebrenica men would try to cross the Serb lines, they attacked the area, causing the Serbs to partially evacuate their forward trenches. This left only limited Serb positions between the column of men and Orić's fighters. The men in the column were ordered to use all their remaining ammunition on this last line of Serb defence, including rounds which were being held in reserve for suicide in the event of capture. They broke through the Serb lines and reached ARBiH territory.

387. The following day, many of these men began arriving in the Tuzla area, searching for their families. The Bosnian Government disarmed the survivors and transported them to collective shelters in the wider area of Tuzla. Members of UNPROFOR were able to interview a number of them, and report their accounts to the mission's leadership. The men interviewed estimated that up to 3,000 of the 12,000 to 15,000 in the column had either been killed during combat with the BSA or when crossing over mines, while an undetermined number among them had also surrendered to the BSA. They did not know if the latter were still alive or where they were being held. A number had also committed suicide. These estimates suggested, very roughly, that between 4,000 to 7,500 of the men and boys in the column were still unaccounted for.

388. As of 17 July, the BSA continued to refuse to honour the agreements related to Srebrenica which Mladić had entered into in Belgrade two days earlier. The Special Representative of the Secretary-General reported to New York that day that "the status and location of unaccounted for persons and possible detainees, especially draft-age males, remains a large gap in our database. Unconfirmed reports provide accounts of detention centres, execution-style murder, rapes of young women, and other atrocities. As wider access to the area has not yet been granted by the BSA, it may be useful to continue, or even intensify, public and media attention on this issue ... It is important not to allow momentum to dissipate on this issue, otherwise many thousands of lives may well be in danger."

389. The same day, one of the Dutchbat soldiers, during his brief stay in Zagreb upon return from Serb-held territory, was quoted as telling a member of the press that "hunting season [is] in full swing ... it is not only men supposedly belonging to the Bosnian Government who are targeted ... women, including pregnant ones, children and old people aren't spared. Some are shot and wounded, others have had

their ears cut off and some women have been raped."[29] The story was picked up by a number of wire services and reproduced. At approximately the same time, survivors of executions had also begun to recount their testimonies to the international and local press.

390. This prompted the Secretariat to write to the Special Representative the following day: "you will, no doubt, have read and heard the extensive reports of atrocities committed by the Bosnian Serbs during their recent takeover of Srebrenica. While many of these reports emerge from refugees, they are widespread and consistent, and have been given credence by a variety of international observers, including UNHCR. We have however, received nothing on the subject from UNPROFOR." The Secretariat urged the Special Representative to ensure that UNPROFOR interview the Netherlands personnel who had already returned from Srebrenica. The instruction to the Special Representative continued: "our inability to corroborate (or authoritatively contradict) any of the allegations currently being made, many of which involve events of which UNPROFOR in Potočari could not have been unaware, is causing mounting concern here". The Special Representative responded that the Dutchbat soldiers that had been in Bratunac had been debriefed immediately upon arrival in Zagreb. He added, however, that such debriefings "did not reveal any first-hand accounts of human rights violations".

H. 19 July: Mladic and United Nations Protection Force Commander meet again and conclude agreement

391. On the basis of his recent meeting with President Milošević and General Mladic in Belgrade, the Special Representative of the Secretary-General was hopeful that both might feel it opportune to show some generosity. He sought the views of the UNPROFOR Commander, who responded that "peacekeeping [had] come to an end", and that the safe area policy had "manifestly failed". In his view, the war would continue for some time, until there was "symmetry" in the territorial holdings of the belligerents. He thought that this symmetry might emerge as time was not on the side of the Bosnian Serbs, who he predicted would become relatively weaker as the months wore on. He warned that the Serbs would seek a ceasefire which would "seal their territorial gains".

392. The UNPROFOR Commander met with Mladic on 19 July at the Restoran Jela in Serb-held territory outside of Sarajevo. Throughout the meeting, he maintained contact with Mr. Bildt, who was holding parallel negotiations with President Milošević in Belgrade. The UNPROFOR Commander again stressed to Mladić how essential it was that ICRC be granted immediate access to the men being detained, and that freedom of movement to the enclaves be restored for UNPROFOR and UNHCR. He pressed Mladić to explain his troops' behaviour in the aftermath of the fall of Srebrenica, to which Mladić responded that his troops had "finished [it] in a correct way". Mladić added that, on the night of 10-11 July, a significant number of ARBiH troops had broken through the confrontation line in the direction of Tuzla. Mladić continued that he had opened a corridor to let these troops go. He accepted that some "skirmishes" had taken place with casualties on both sides, and that some "unfortunate small incidents" had occurred. The UNPROFOR Commander and Mladić then signed the agreement which provided for the following:

ICRC access to all "reception centres" where the men and boys of Srebrenica were being held, by the next day;

UNHCR and humanitarian aid convoys to be given access to Srebrenica;

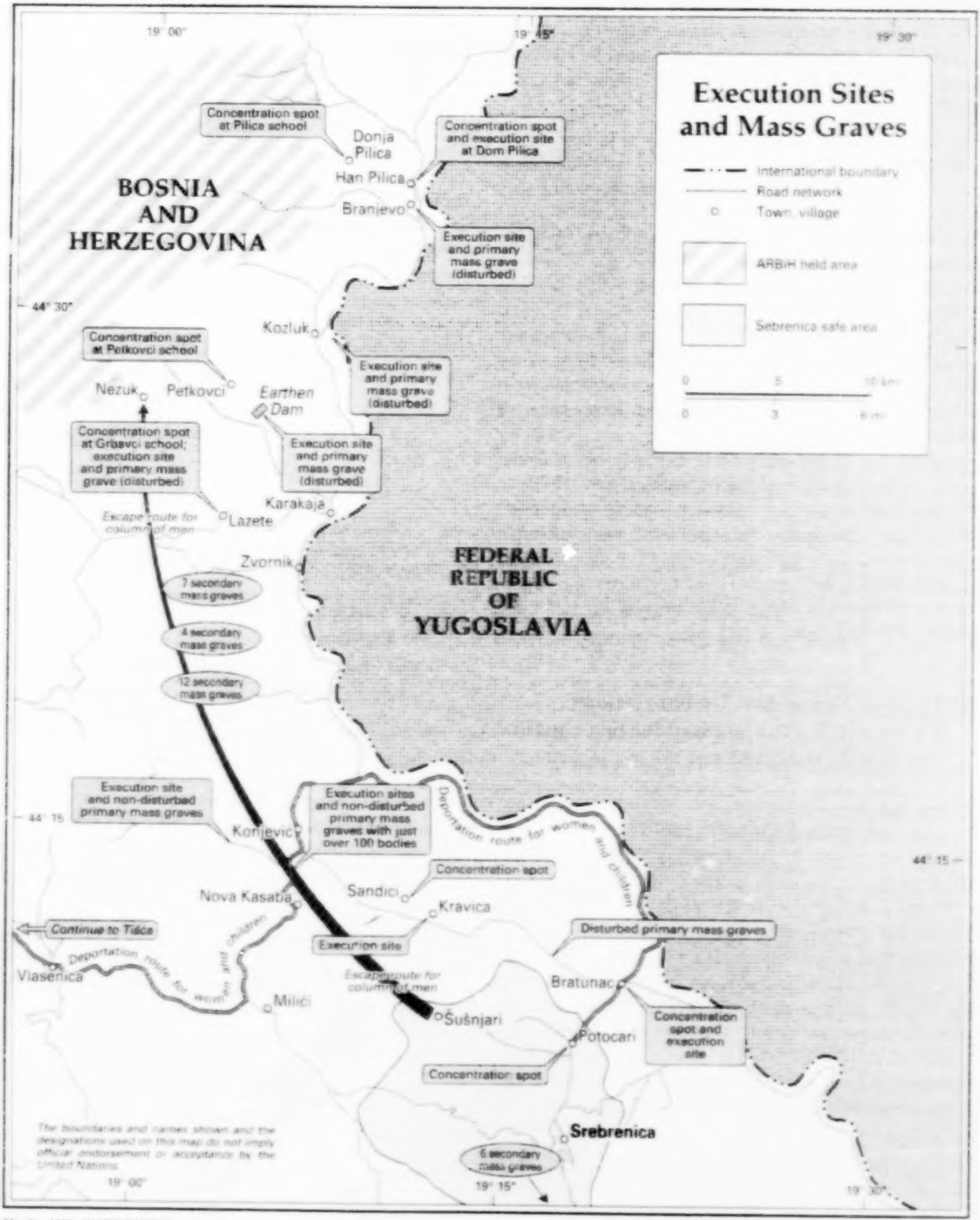
The evacuation of wounded from Potočari, as well as the hospital in Bratunac;

The return of Dutchbat weapons and equipment taken by the BSA;

The transfer of Dutchbat out of the enclave commencing on the afternoon of 21 July, following the evacuation of the remaining women, children and elderly who wished to leave.

Subsequent to the signing of this agreement, the Special Representative wrote to President Milošević, reminding him of the agreement, that had not yet been honoured, to allow ICRC access to Srebrenica. The Special Representative later also telephoned President Milošević to reiterate the same point.

393. During the meeting, Mladić claimed triumphantly that Žepa had fallen to advancing Serb forces. This, however, was untrue, and the situation on the ground in Žepa was complex.


Execution Sites and Mass Graves
International boundary
Road network
Town, village
ARBiH held area
Sebrenica safe area
0 5 10 km
0 3 6 mi
19° 00'
19° 15'
19° 30'
44° 30'
44° 15'
BOSNIA AND HERZEGOVINA
FEDERAL REPUBLIC OF YUGOSLAVIA
Concentration spot at Pilice school
Donja Pilica
Concentration spot and execution site at Dom Pilica
Han Pilica
Branjevo
Execution site and primary mass grave (disturbed)
Kozluk
Concentration spot at Petkovci school
Nezuk
Petkovci
Earthen Dam
Execution site and primary mass grave (disturbed)
Concentration spot at Grbavci school; execution site and primary mass grave (disturbed)
Execution site and primary mass grave (disturbed)
Karakaja
Lazete
Escape route for column of men
Zvornik
7 secondary mass graves
4 secondary mass graves
12 secondary mass graves
Execution site and non-disturbed primary mass graves
Konjevic
Execution sites and non-disturbed primary mass graves with just over 100 bodies
Deportation route for women and children
Concentration spot
Sandici
Nova Kasaba
Kravica
Continue to Tišca
Execution site
Disturbed primary mass graves
Vlasenica
Deportation route for women and children
Milići
Escape route for column of men
Bratunac
Sušnjari
Concentration spot and execution site
Potocari
Concentration spot
Srebrenica
6 secondary mass graves
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

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IX. Fall of Žepa and the new safe area policy: July-October 1995

A. Preparations for the attack on Žepa: 11-14 July 1995

394. The Bosnian Serb media announced the capture of Srebrenica, "in a strong counter-attack", on the evening news broadcasts of 11 July. The same broadcasts reported that Bosniac fighters were laying down their weapons and that General Mladić expected Bosniac units in Žepa to do the same within 48 hours. UNPROFOR confirmed that, having captured Srebrenica, Serb forces were turning their attention to Žepa. The Ukrainian battalion in Žepa reported that Serb forces had initiated a sporadic bombardment of the town and two nearby hamlets, suggesting that preparations for a wider attack were under way.

395. During this initial stage of the Serb operation, UNPF appears not to have given serious consideration to the use of force to deter attacks on Žepa. The UNPROFOR forces within the enclave, comprising a single battalion of Ukrainian troops, were clearly incapable of resisting a concerted Serb attack. The Force Commander sent guidelines to his subordinate commander in Sarajevo on 14 July, telling him that, given the current situation, close air support could not be considered. Two UNPROFOR officials at a lower level did propose a new demilitarization agreement for Žepa. If the Serbs refused the agreement, or if they continued to advance after the Bosniacs had accepted it, the officials proposed that Serb weapons attacking Žepa, or other military assets, as well as their direct and essential support facilities, be subject to NATO air strikes. This proposal was not accepted, and no alternative arrangements to deter Serb attacks on the enclave were made at this stage.

396. At about this time, forces loyal to the Government of Bosnia and Herzegovina appear to have lost any remaining confidence in UNPROFOR's commitment to the enclaves. On the night of 13-14 July, members of the Ukrainian company stationed in Goražde were told by the Bosniacs to turn over their weapons, vehicles, helmets and body armour. A stand-off ensued, followed by brief exchanges of fire on 14 and 15 July. The Ukrainians then complied with the Bosniac demands, after which elements of a British battalion stationed in Goražde provided protection for the disarmed Ukrainians. The Force Commander reported to the Secretariat that the Bosniac actions were "completely unacceptable and should be condemned at the highest levels". Protests were lodged with President Izetbegović.

B. Attack, resistance and negotiations in Žepa: 14-20 July 1995

397. The Bosnian Serbs announced the beginning of a full-scale assault on Žepa with a message to UNPROFOR on 14 July. The message demanded that UNPROFOR evacuate its observation posts in the safe area, pending an attack which would begin at 1400 hours the same day. UNPROFOR units remained in position, and Serb forces began to bombard them and Bosniac forces around the perimeter of the enclave at approximately 1500 hours. Shortly before nightfall, Serb forces were reported to be moving forward into the enclave from positions to the west.

398. Owing to Žepa's remote location and to poor communications, there then followed a period of considerable uncertainty, which was compounded by misinformation spread from the Serb side and by contradictory information from different Bosniac sources. Civilian leaders of the Bosniac population within the pocket began to negotiate what were reported to be surrender terms with the Serbs. Government authorities in Sarajevo, however, insisted that those negotiators were not authorized to negotiate a capitulation agreement. Meeting with the UNPROFOR Commander on 18 July, President Izetbegović nevertheless did agree that arrangements for the evacuation of Žepa should be put in place. General Mladić informed UNPROFOR that Žepa had effectively fallen at 1330 hours on 19 July, and that he would be organizing the transportation of the local civilian population to Federation-held territory to the west. Mladić insisted, however, that men between the ages of 18 and 55 surrender themselves to his forces. That evening he announced that the local Bosniac leaders had accepted what he called "surrender conditions".

399. By the next day, it was clear that the situation was more complex than Mladić had indicated. The Bosniacs in Žepa had agreed, in principle, that the civilian population would be transported out of the enclave, under UNPROFOR supervision, along with the wounded. The Bosniac military commander, Colonel Avdo Palić, however, had said that he would not implement any part of the agreement without authorization from Sarajevo. Furthermore, there was some confusion as to what would happen to the men of fighting age, who were estimated to number between 1,000 and 2,000. The Serbs had initially insisted that they surrender, but then seemed to accept that they should also be transported to safety as part of an all-for-all prisoner exchange.

400. A series of four-way negotiations then followed between the Government authorities in Sarajevo, the Bosniacs in Žepa, the Serbs and UNPROFOR. One of the complicating factors was a statement by Mladić that there could be no agreement on the transportation to safety of the people of Žepa until the Government had agreed to an all-for-all prisoner exchange throughout Bosnia and Herzegovina, which the Serbs had long sought. The Government authorities insisted that this could not happen until the Serbs had accounted for the 6,800 men it said were still missing from Srebrenica. A further complicating factor was the continuing Serb advance into the enclave, and the threats to UNPROFOR personnel made by both parties. UNPROFOR concluded that its role would be to monitor the transportation of civilians from Žepa to the town of Kladanj, in the main body of Federation-held territory, and to assist directly with the movement to Sarajevo of wounded civilians. UNPROFOR also concluded that it should assist in the negotiation of the prisoner exchange agreement proposed by Mladić. Arrangements were made accordingly.

401. For several days a stalemate ensued. UNPROFOR assessed the situation to be as follows:

> "The Serbs want a complete capitulation of the Bosnian forces in Žepa, and are willing to give very little in return ... The Bosnian leadership in Sarajevo does not feel inclined to sanctify a Serb takeover with an agreement, and wants [its] people to fight on. Caught in the middle are the people of Žepa, who seem desperate to make a deal — but not yet so desperate that they will defy Sarajevo.
>
> "It is unlikely that there will be any evacuation of Žepa in the next day or two. Most likely, the Serbs will now intensify their military pressure on the pocket in an effort to force the local military commander to accept Serb terms. This might take several days, given that they seem reluctant to commit their infantry ...."

402. On 20 July, the President of the Security Council issued a statement (S/PRST/1995/33), indicating that the Council was "deeply concerned by the situation in and around the safe area of Žepa", and in which the Council demanded that the Bosnian Serbs refrain from further action threatening the civilian population of the enclave, and condemned all violations of international humanitarian law. It also demanded that UNHCR be given unhindered access to the area. The statement did not specify how these demands were to be implemented. It concluded by strongly condemning "recent acts of violence and intimidation" against UNPROFOR, suggesting that both parties were guilty in this regard.

C. First formal reports about atrocities believed to have been committed in Srebrenica; Dutchbat departure from Potočari

403. The fate of the men and boys of Srebrenica remained unknown at this time, although a preliminary report from UNPROFOR investigators in Tuzla signalled that there might have been reason to fear the worst. It stated that, based on the interviews the investigators had been able to conduct by 20 July, there was a "strong basis to believe that significant human rights abuses occurred both before and during the convoy from Srebrenica". The report continued: "While the number of those killed, beaten and, perhaps, sexually assaulted remains unknown, there is little doubt that some incidents of severe human rights violations occurred. In particular, the separation and apparent continuing detention of civilian men and boys presents an ongoing human rights abuse of grave concern." It also indicated that "those interviewed who made their way on foot from Srebrenica report many civilian casualties, resulting from both Serb military attacks and mines that lay in their path from Srebrenica". The report added that "some accounts, as yet unconfirmed, involved large-scale military assaults by Serb soldiers which could have resulted in numerous deaths. Based on the number of persons believed to be missing from this group, some speculate that as many as 3,000 may have died during the trip somewhere between Srebrenica and Bosnian-held territory. Some of this group have given compelling testimony concerning crossing mined areas in single file, holding hands and following the same footsteps, leaving dead and wounded behind." The report concluded that, following discussions with the Special Rapporteur of the Commission on Human Rights (Mr. Mazowiecki), UNHCR, ICRC, MSF and the European Community Monitoring Mission, "it was apparent that efforts to assess the human rights abuses which occurred in the wake of the fall of Srebrenica had scarcely begun". The report was immediately transmitted in full to the United Nations Secretariat.

404. On 21 July, all United Nations personnel in Potočari were finally able to leave the area, and arrived in Zagreb the following day. A number of them were debriefed by United Nations personnel, who submitted a comprehensive report to the Special Representative of the Secretary-General 10 days later. The report indicated that several members of Dutchbat had witnessed or had substantial reason to believe that the BSA committed human rights abuses in the Potočari area from 11 to 13 July, including beatings and a limited number of summary executions. The report also indicated

that a member of Dutchbat had seen several dead bodies along the road between Bratunac and Konjević Polje and at Kasaba. Another Dutchbat member had seen approximately 200 to 300 persons detained in the football stadium. The report concluded:

> "While the number of those killed, beaten, detained and sexually assaulted remains unknown, consistent accounts by displaced persons and United Nations personnel demonstrate that Bosnian Serb soldiers committed substantial violations of internationally recognized human rights following the fall of Srebrenica, including mass arbitrary detention of civilian men and boys and summary executions. While Bosnian Serb authorities continue to deny these violations, their failure to provide adequate access to affected areas or to the detained serves only to reinforce the conclusion that significant abuses occurred … Further investigation of this situation, in particular of the allegations of mass executions in Karakaj and Kasaba and concerning those missing and detained, is clearly warranted."

D. London meeting and changes in the approach to the use of air strikes

405. The Ministers for Foreign Affairs and Defence of 15 countries (Bangladesh, Belgium, Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, the Russian Federation, Spain, Sweden, Turkey, Ukraine and the United States) convened in London on 21 July. Troop contributors to UNPROFOR, as well as members of the Security Council, the United Nations Secretariat, the European Union and NATO were represented. The Foreign Secretary of the host nation chaired the meeting.

406. A number of participants have since described the meeting as an ad hoc gathering, with no particular documentation prepared in advance, and with no consensus reached at its conclusion. The Russian Federation, in particular, objected that the apparent conclusions reached did not reflect its views in full. Nevertheless, the Chairman read out a statement after the meeting which emphasized that "the current Bosnian Serb offensives, and the continuing siege of Sarajevo, must be met with a firm and rapid response. They defy international law and opinion." He indicated that the meeting had therefore "warned that any attack on Goražde will be met with a substantial and decisive response, including the use of air power", and that the participants had also "underlined [their] determination to ensure access to Sarajevo for delivery of provisions to the civilian population and resupply of the United Nations forces, and support for the early use of the rapid reaction force to protect UNPROFOR in maintaining access for these deliveries". The Chairman also stated that the meeting had "insisted on immediate access for UNHCR and ICRC to the male detainees from Srebrenica". Building on the London statement, representatives of the United States, the United Kingdom and France soon after made a démarche to the Bosnian Serb military leadership, indicating that the Bosnian Serbs would be exposed to robust action, including from the air, if they continued to attack the safe areas, Goražde in particular.

407. The Organization of the Islamic Conference Contact Group, meeting at the ministerial level at Geneva on 21 July, issued a communique (S/1995/612) in which it "took note" of the statement issued in London, and "expressed the hope that the commitments contained therein [would] be implemented". At the same time, OIC made a number of statements querying why the London meeting had not signalled its resolve to respond to attacks on Žepa and Bihać. OIC added that it would seek to ensure Bosnia and Herzegovina's right to self-defence, under Article 51 of the Charter of the United Nations, in the event that the international community did not find the resolve to protect those areas.

408. The Special Rapporteur for human rights, Mr. Mazowiecki, also reacted with concern, noting during a press conference held on the same day, that "not a single word" had been said about Žepa at the London meeting. He added that the human rights investigation about the fall of Srebrenica had thus far revealed violations of a "generally barbaric nature". One week later, Mr. Mazowiecki resigned. He wrote to the Secretary-General: "Events in recent weeks in Bosnia and Herzegovina, and above all the fact that the United Nations has allowed Srebrenica and Žepa to fall, along with the horrendous tragedy which has beset the population of those 'safe havens' guaranteed by international agreements, oblige me to state that I do not see any possibility of continuing the mandate of Special Rapporteur entrusted to me by the Commission on Human Rights." Mr. Mazowiecki went on to state: "Human rights violations continue blatantly. There are constant blockages of the delivery of humanitarian aid. The civilian population is shelled remorselessly and the 'blue helmets' and representatives of humanitarian organizations are dying. Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual."

409. Illustrative of his frustration, ICRC had not been granted access to the Srebrenica area to ascertain the fate of

the missing until a few days after the London meeting. Once granted access by the BSA to the Batkovic camp in north-eastern Bosnia, ICRC was only able to register 164 prisoners from Srebrenica and 44 from Žepa. The ICRC representatives were told that no other prisoners were being held, and were accordingly shown a number of empty detention centres in the Bratunac area.[30] As of November 1999, 7,336 individuals from Srebrenica remain unaccounted for, based on the number of tracing requests for missing persons received by ICRC.

410. Not until a number of weeks later did additional information come to light which substantiated the worst fears about the fate of the men from Srebrenica. On 10 August, the Permanent Representative of the United States informed the Security Council that classified satellite photographs taken by her Government had captured images of freshly disturbed earth, near a football stadium approximately 22 km north by north-west of Bratunac. She explained that the combination of the satellite photographs, and the eyewitness testimony of those survivors who had independently described scenes of killings in the area, provided compelling physical evidence that atrocities had been committed, and that the victims had been buried in mass graves.

E. Operational arrangements resulting from the London meeting

411. With Srebrenica fallen, and Žepa under attack, the London meeting had apparently drawn a "line in the sand" at Goražde, but had not set out clearly how it would be determined that the line had been crossed. "Would one shell into Goražde constitute an attack on the safe area?" queried one senior Secretariat official in a note to the Secretary-General, or would the Serbs have to actually capture chunks of the enclave before they would be met "with a decisive response"?

412. Two decisions of the North Atlantic Council on 25 July and 1 August, respectively, clarified some of these issues, and built upon the Chairman's statement at the London meeting. The first decision authorized the initiation of air strikes (as opposed to close air support) for as long as was considered needed in the common judgement of NATO and United Nations military commanders to support the defence of Goražde within a wider geographic area ("a zone of action"), including against any concentrations of troops, if NATO and United Nations commanders both judged that they posed a serious threat to the safe area. The North Atlantic Council extended these arrangements to the other safe areas of Sarajevo, Tuzla and Bihac in its decision of 1 August 1995.

413. Immediately following the issuance of the first North Atlantic Council decision, the Special Representative of the Secretary-General indicated to New York that, while he understood the pressures for a more robust response to attacks upon the safe area of Goražde, he was concerned by the provisions in the decision which essentially provided for the automatic use of air strikes. The Secretary-General immediately responded, telling his Special Representative that, in spite of the concerns raised, he had decided to extend his support to the North Atlantic Council's decisions relating to the use of NATO air power to deter Bosnian Serb attacks on Goražde. The Secretary-General agreed with the Council's conclusion that an attack by the Bosnian Serbs on Goražde should be met by a firm and decisive response, including through air strikes. He accordingly instructed his Special Representative to work with NATO to define the zone of action referred to in the North Atlantic Council decision, and to agree upon the criteria for identifying the factors that would trigger the mechanisms proposed by NATO. He reminded the Special Representative of the Council's suggestion to delegate execution authority to the United Nations military commanders. In order to streamline decision-making within the United Nations chain of command when the use of air power was deemed necessary, the Secretary-General decided to delegate the necessary authority in this respect to the Force Commander of United Nations Peace Forces, with immediate effect.

414. The Secretary-General requested the Under-Secretary-General for Peacekeeping Operations, the Military Adviser in the Department of Peacekeeping Operations, and the Force Commander to enter into discussions with NATO on the operational details emanating from the North Atlantic Council's decision of 25 July.

F. Fall of Žepa and the flight to Serbia

415. While the issue of how to address a possible attack on Goražde was being debated within the international community, Minister Muratović clarified the Bosnian Government's position on Žepa, which had still not fallen. On 23 July, in a meeting with UNPROFOR, he stated that the Bosnian leadership had met in Sarajevo, and reached the following decisions:

(a) There should be no surrender and no total evacuation of the enclave;

(b) There should be an arrangement made to allow for a limited evacuation of those people the Bosnian Government would like to withdraw;

(c) There should be an all-for-all prisoner exchange.

416. The Bosniac leadership's reluctance to evacuate the men of fighting age appeared to have two aspects: first, it wanted the men of Žepa to keep fighting; and, second, if the fight could not be continued, it wanted guarantees that the men who were evacuated would be transported in safety. References were made to the large number of Bosniac men who had been transported from Srebrenica and who were now missing. A Bosnian Government representative added Sarajevo's assessment that the situation in Žepa was "desperate, but not yet so desperate that the people are willing to endure a repeat of Srebrenica". The Government's position was conveyed to the Serbs, who rejected it.

417. During this hiatus, internal meetings within UNPROFOR were held to determine how to proceed. The earlier UNPROFOR proposal to demilitarize Žepa and then to threaten the Serbs with air strikes if they attacked was discussed again. The Commander of UNPROFOR forces in Sector Sarajevo (the sector into which Žepa fell), agreed that the proposal should be tried. Before planning could proceed, however, he was informed by the Force Commander that no mention had been made at the London meeting of any commitment to use force to deter attacks on Žepa, and that it would difficult to find any country willing to send troops to Žepa. UNPROFOR then consulted with the Bosnian Government authorities and with the Serbs.

418. During this period, the Bosnian Serbs were becoming more aggressive around the other safe areas. A major attack on the Bihac enclave had begun on 19 July, involving not only Bosnian Serb forces, but also Croatian Serb forces and the Autonomist forces loyal to Fikret Abdic. Substantial advances by the attacking forces were reported. The Bosnian Government appealed for help to the Croatian Government, and on 23 July, Presidents Izetbegovic and Tudjman signed an agreement in Split, under the terms of which the two countries committed themselves to working together to resist "Serb aggression".

419. The bombardment of the Sarajevo area also increased during this period, with Serb gunners hitting UNPROFOR targets as well as civilian areas of the city. Two incidents on 22 July, in which two French UNPROFOR officers were killed and four other UNPROFOR members injured, prompted a response from UNPROFOR. The UNPROFOR Commander of Sector Sarajevo ordered a military response to the attacks, and 90 mortar rounds were fired at Serb positions around Sarajevo. UNPROFOR threatened further escalation if Serb attacks did not cease. Following this, Serb attacks decreased somewhat, particularly against UNPROFOR targets. Nevertheless, the Bosnian Ministry of Health reported that 25 Bosnian civilians were killed in Sarajevo that week, and 75 injured, as a result of increased shelling.

420. On 24 July, the Serbs presented UNPROFOR with the text of a capitulation agreement signed by Hamdija Torlak, "Chief of Staff" of Bosniac forces in Žepa. The agreement provided for the evacuation to the Federation of women, children and the elderly, and for the surrender of the Bosniac men, who would then be exchanged back to Government-held territory.

421. This agreement was transmitted by UNPROFOR to Mr. Muratović, who said that he had no knowledge of it, that Torlak had no authority to negotiate on behalf of his Government, and that, in any case, Sarajevo would not accept the agreement unless the evacuation of Žepa was performed by UNPROFOR. "There will be no repeat of Srebrenica; no people being pulled off buses; the United Nations must control the operation." He added that, if there were to be a total evacuation of the enclave, civilians should go first, then the military.

422. The next day, General Mladić concluded an agreement with UNPROFOR under which UNPROFOR would organize medical evacuations from Žepa and would temporarily insert troops into the enclave to oversee the transportation by the Serbs of Bosniac civilians being moved to Kladanj. The situation was thus far from clear: the Bosniacs in Žepa understood that they had an agreement with the Serbs; the Bosnian Government authorities in Sarajevo understood that there was an agreement, but subject to certain provisos; UNPROFOR had its own agreement with the Serbs; and all these agreements seemed to be connected to the successful outcome of a separate negotiating process under which there might be an all-for-all prisoner exchange.

423. UNPROFOR made the following assessment in a communication to Headquarters:

> "The Bosnian authorities in Sarajevo seem to have accepted that they are defeated in Žepa. Whether or not that means there will be a well-organized evacuation of the whole population is still unclear. Elements of the local population in Žepa might decide to fight on anyway. The negotiators in Sarajevo might fail to agree about what to do about the prisoners from Srebrenica. Either side might renege on any agreement that is made.

> "The 'Srebrenica option' — a military solution followed by a humanitarian disaster — remains a distinct possibility."

424. By the evening of 25 July, there were reports that, in line with the local agreement signed by Torlak, Bosnian Government fighters were falling back from the front lines around Žepa. Serb forces moved forward, occupying the town of Žepa itself and the other population centres within the enclave. Also in line with the agreement, Bosniac civilians were reported to be coming down from the hills and from remote settlements into Žepa town and the other Serb-controlled areas, awaiting evacuation. The Bosniac commander in Žepa, Colonel Palić, agreed to work with UNPROFOR and the Serbs to ensure that the evacuations took place in an orderly fashion.

425. The evacuation of the sick and wounded to Sarajevo began immediately, with Bosnian Serb buses taking approximately 150 people to Lukavica, a Serb-held community near Sarajevo, from where they were taken into Sarajevo in an UNPROFOR convoy. The transportation of civilians also began. By the end of the day on 25 July, 21 Serb buses filled with Bosniac civilians had already departed for the Kladanj area. The buses stopped approximately 7 km from the confrontation line, after which the Bosniacs were required to walk the remaining distance to the safety of Government-held territory. This evacuation continued for two more days, with Ukrainian UNPROFOR troops present in the departing buses. It was conducted in a relatively orderly fashion, despite the absence in Žepa of any international humanitarian organizations, including ICRC and UNHCR. No violent abuses against the deportees were noted until the afternoon of 27 July, when 36 Bosniacs, including 12 lightly wounded people, were taken off a bus by Serb forces. (The Serbs later acknowledged this, but claimed that those seized were men of military age, who had been taken into detention as prisoners of war.) By the evening of 27 July, almost 5,000 people had made it in safety to Kladanj.

426. Almost as soon as the transportation of Bosniac civilians began, however, it became clear that the local agreement was not going to be implemented in full. The Bosniac men of military age did not present themselves to the Serbs, apparently awaiting further assurances that they, too, would be transported in safety to Federation-held territory. Reports indicated that, having left the front lines, the men split into small groups and moved to the densely forested interior of the enclave, where they were less vulnerable to the armour and heavy weapons of the Serbs.

427. The negotiations which would have allowed the Bosniac men to leave Žepa in safety resumed the next day, but made no progress. Bosnian Government negotiators agreed that there should be an all-for-all exchange of prisoners, but did not agree that the Bosniacs in Žepa should surrender to the Serbs. UNPROFOR reported that the Government negotiators accepted that their fighters in Žepa "could be registered by the ICRC as prisoners, but that, in implementation of the all-for-all exchange, these men would leave the pocket before they ever entered Serb custody". This was rejected by the Serbs.

428. By the evening of 27 July, the evacuation of Bosniac non-combatants from Žepa was almost complete. As the process of transporting the civilians drew to a close, the Serbs appeared to be preparing to enter the areas to which the Bosniac men had withdrawn. Shortly after the departure of the last buses, Serb troops detained Palić, who was then in the presence of two UNPROFOR civilians. General Mladić called the UNPROFOR Commander to say that the Bosniac fighters had until 1800 hours the same day to surrender, after which those who had not surrendered would be attacked. This message was passed to the Bosnian Government authorities in Sarajevo. While the authorities in Sarajevo still opposed any surrender arrangement that would allow these men to fall into Serb hands, the men of Žepa themselves seemed inclined to make some arrangement locally, before a final Serb attack. The next morning, UNPROFOR representatives contacted Mladić, asking him what had happened to Palić, who would be leading the local-level negotiations. Mladić informed UNPROFOR that Palić was dead. The next day, the Serbs detained the senior Bosniac civilian negotiator; two more Bosniac negotiators were detained shortly after.

429. The UNPROFOR Commander of Sector Sarajevo met with General Tolimir in the Žepa area on 28 July. Tolimir stated that the local Bosniac military seemed willing to surrender, provided that UNPROFOR would guarantee their safety. The UNPROFOR Commander responded that UNPROFOR was not in a position to provide such guarantees in the absence of a prisoner exchange agreement between the parties. Tolimir offered to allow UNPROFOR to send vehicles to gather the Bosniac soldiers and any remaining civilians, but UNPROFOR declined. By the evening of 28 July, UNPROFOR was assessing that the Serbs were no longer interested in an all-for-all prisoner exchange, and were likely to make a final attack into the rump enclave.

430. Before the Serbs could close in on the men of Žepa, events elsewhere in Bosnia and Herzegovina overtook them. Croat forces, which had been slowly advancing up the Livno

Valley in the south-west of Bosnia and Herzegovina for several months, surged forward, seizing the Serb-held towns of Glamoč and Grahovo on 29 July. Not only did this action put some 10,000 Serb civilians to flight, but it also left Knin, the administrative centre of the Croatian Serbs, vulnerable to attack from three sides. General Mladić, who had spent the whole of July in the Srebrenica-Žepa area of eastern Bosnia, moved to Banja Luka, taking key staff, including General Tolimir, and some military resources with him. At a meeting with the UNPROFOR Commander in Banja Luka on 31 July, General Mladić appeared relatively uninterested in events in Žepa, focusing instead on the Croat operation unfolding in the south-west.

431. A debate was held within UNPROFOR on how to proceed. On 29 July, the UNPROFOR Commander wrote to his superiors in UNPF headquarters in Zagreb that the BSA regular troops around Žepa had largely been withdrawn, and that most of the remaining troops were reservists, who he assessed would not conduct operations to clear the area of remaining Bosniacs. He concluded: "UNPROFOR has a duty — moral, mandated and stated in the recent presidential statement — to remain in the pocket as long as civilians are unaccounted for. To withdraw will mean the abandonment of these people with further loss of United Nations credibility." Two days later, however, with the immediate pressure from the Serbs off, the remaining Bosniacs in the Žepa area began to exfiltrate themselves to safety. Some proceeded west to Federation-held territory, but most crossed over the River Drina, entering the Federal Republic of Yugoslavia, where they surrendered themselves to the Yugoslav forces. UNPROFOR evacuated its own personnel from the Žepa area on 2 and 3 August. Three convoys transported 203 UNPROFOR personnel to Sarajevo without incident. As of November 1999, the total number of persons unaccounted for from Žepa is 118, based on the tracing requests for missing persons received by ICRC.

G. Operation Storm and the United States-led peace initiative

432. The Bosnian Serb civilian leadership considered the attack on Žepa to have been a debacle. On 4 August, the day the Croatian Government began "Operation Storm", Mr. Karadžić publicly stated that he was dismissing Mladić as Commander of the BSA and appointing himself "Supreme Commander of the Armed Forces of Republika Srpska and Director of the General Staff of the Supreme Command". In an accompanying statement, Karadžić criticized Mladić for having taken so long in Žepa and for having used so many forces in that operation, suggesting that Mladić had ignored the growing Croat threat and was responsible, through his negligence, for the fall of Glamoč and Grahovo. He also criticized Mladić for negotiating with Messrs. Bildt and Stoltenberg, which, he said, was tantamount to treason. Criticism was also directed at General Tolimir, who had assisted General Mladić in the Žepa operation.

433. After Žepa, the Serbs' next target was the safe area of Bihać. Forces loyal to Fikret Abdić were advancing from the north towards the Government-held town of Cazin. Bosnian Serb forces attacked from positions to the south and east of Bihać town. As the situation deteriorated, the Government of Bosnia and Herzegovina called on the Government of Croatia to intervene on the basis of the Split agreement of 23 July. On 4 August, Croatian Government forces launched Operation Storm, a major offensive against Serb-held territory in the Krajina region of Croatia. Although Croatian Government spokesmen referred to the appeal of the Bosnian Government to relieve the attack on the Bihać safe area, the offensive was much more wide-ranging. Within three days, the self-proclaimed "Republika Srpska Krajina" had been largely destroyed; the administrative centre of Knin had been captured by Croatian Government forces, along with the whole of United Nations Protected Areas North and South.

434. Approximately 200,000 Serbs fled their homes in Croatia during and immediately after the fighting. The few that remained were subjected to violent abuses by the victorious Croats. Although the majority of the displaced Serbs fled through Bosnia and Herzegovina or Croatia to the Federal Republic of Yugoslavia, a group of some 20,000 looked for shelter in Serb-held areas of Bosnia and Herzegovina. That group included much of the so-called "Army of Republika Srpska Krajina", which had withdrawn largely intact from Croatia. Their arrival led to the expulsion of the residual non-Serb population in the Banja Luka area. Croats, in particular, were ejected to make way for incoming Serbs.

435. With the collapse of the "Republika Srpska Krajina", pressure on Bosnian Government forces in Bihać and Cazin eased. The ARBiH Fifth Corps immediately went on the offensive, easily defeating the Autonomists loyal to Fikret Abdić and retaking the town of Velika Kladusa. Elements of the Fifth Corps also crossed the border into the Republic of Croatia, where they met up with advancing Croatian units.

436. The United States peace-negotiating team led by Mr. Richard Holbrooke, then Assistant Secretary of State for European and Canadian Affairs, sought to use these events to advance the peace process. At a meeting with the Special Representative of the Secretary-General on 16 August,

Mr. Holbrooke explained that the evolving military situation, including a role to be played by "the credible use of air power" by NATO, would be essential in the development of "a coherent military and diplomatic approach to resolving the conflict in Bosnia and Herzegovina". In preparation for the possible use of air power, Mr. Holbrooke urged the United Nations to remove all military observers and other personnel from locations where they could be taken hostage by the Serbs. The Force Commander expressed caution, arguing that UNPF must continue to perform missions on the ground requiring an unavoidable degree of vulnerability. General Wesley Clark, who was with Mr. Holbrooke's delegation, stated that, by continuing to discuss the danger of reprisals, UNPF was undercutting the deterrent value of the decisions taken at the London meeting.

437. At the end of August, the Secretary-General of NATO told a representative of the Secretariat that he was aware of the link between air strikes and the political process being pursued by Mr. Holbrooke. The same day, the Force Commander was instructed to send regular updates on the situation on the ground and on contacts with the Serbs to General Clark, who was travelling with Mr. Holbrooke. This was done, and UNPROFOR soon began producing daily maps of the military situation in Bosnia and Herzegovina, indicating the exact percentage of territory held by each party. These maps were generated with greater frequency as the territorial division of the country approached 51:49.

H. Attack on the Markale marketplace in Sarajevo

438. Five mortar rounds landed in a crowded area of downtown Sarajevo shortly after 1100 hours on 28 August. Four of the rounds caused only minimal material damage; one round, however, landed in the Markale marketplace, the scene of a similar attack on 5 February 1994. Thirty-seven people, most of them civilians, were killed in and around the marketplace, and approximately 90 were injured. A confidential report to the UNPROFOR Commander concluded that the five rounds had been fired from the Serb-held area of Lukavica, to the west of Sarajevo. (The secrecy surrounding the UNPROFOR investigation into this incident gave rise to speculation, fuelled by the Serbs, that there was doubt as to which side had fired the mortar rounds. A review of United Nations documentation, however, confirms that UNPROFOR considered the evidence clear: all five rounds had been fired by the Bosnian Serbs.)

439. On the day of the attack, the Force Commander based in Zagreb, who controlled the United Nations "key" to launch air attacks, was absent on personal business. The key had therefore passed temporarily to the UNPROFOR Commander in Sarajevo. The latter decided to initiate a request for NATO air strikes against the Serbs, calculating that force could be used to advantage. The goal of the "enforcement operation" would be to remove Serb weapons from within striking distance of the safe area of Sarajevo, and to lift the siege of the city. Two problems, however, prevented the UNPROFOR Commander from turning the key immediately. First, despite sustained efforts over two months to remove UNPROFOR troops from positions from which they could be taken hostage by Serb forces, a detachment of UNPROFOR troops was moving through Serb-held territory in eastern Bosnia, on its way out of Goražde. Second, UNPROFOR's facilities in Sarajevo were, as ever, scattered across the floor of the valley in which Sarajevo lies, exposed to fire from Serb mortars and artillery in the surrounding hills.

440. The UNPROFOR Commander called Mladić to ensure that the movement of UNPROFOR troops out of Serb-held territory would not be hindered. Not wishing to arouse the Serbs' suspicions, which could have led to the detention of the exposed UNPROFOR troops, the UNPROFOR Commander decided not to tell Mladić that UNPROFOR experts had confirmed that the mortar rounds had been fired by the Serbs, or that he was planning to launch an air campaign against the Serbs in response. Mladić was apparently satisfied, allowing the UNPROFOR unit in eastern Bosnia to proceed across the international border into the Federal Republic of Yugoslavia, a manoeuvre which was completed in the same evening. Again concerned not to arouse Serb suspicions, the UNPROFOR Commander also made a statement to the press in which he was equivocal, both as to who had fired the mortar rounds and as to how UNPROFOR intended to respond. The press, and the Bosnian Government authorities, were, like Mladić, convinced that there would be no dramatic response to the massacre. The Government lodged a protest against what it described as the latest example of a pattern of UNPROFOR inaction.

441. The UNPROFOR Commander turned his key at approximately 2000 hours on 28 August, without consulting his superiors in the United Nations or any of the troop-contributing countries. (The Secretariat noted with concern that it had learned of the decision only six hours later, and had not yet received any information confirming responsibility for the mortar attack itself.) The UNPROFOR Commander did, however, speak several times with the Commander of NATO's Southern Command, holder of the NATO key. The latter dispatched a message stating that, in

the common judgement of the UNPROFOR Commander and himself, the conditions for the initiation of air strikes against the set of targets in the Sarajevo area had been met. He said that he and the UNPROFOR commander had agreed that air strikes would begin as soon as the weather and technical considerations allowed. He added that the air strikes would continue until, in the common judgement of the NATO and United Nations military commanders, the attacks on, or threat to, Sarajevo had ceased.

I. Operation Deliberate Force

442. The NATO air attacks, referred to as "Operation Deliberate Force", commenced at 0300 hours on 30 August, and were accompanied by a 600-round barrage from the heavy guns of the rapid reaction force. Parallel letters were then sent to the Bosnian Serb civilian and military leadership by the Special Representative of the Secretary-General and the Force Commander. The Special Representative, wrote to Karadžić as follows:

> "The current NATO air actions are designed to prevent further shelling of Sarajevo, and will cease only after the threat of further attacks by the Bosnian Serbs has been eliminated. You should be aware that the conduct of the current operations is under the control of NATO military commanders, and that United Nations [illegible]icials are not in a position to stop those operations.
>
> "The real key to stopping the air action is now in your hands and those of General Mladić. Other attacks by the Bosnian Serbs against safe areas, such as the shelling yesterday of Bihać, also risk further action by NATO. I strongly urge you, and through you your military commanders, to take the necessary steps to satisfy the above conditions so that the air campaign can cease as quickly as possible, and the important diplomatic efforts aimed at achieving a peaceful solution to the conflict in Bosnia can continue. Failure to fulfil these conditions quickly will result in an evolution of events that will drastically alter the situation on the ground in Bosnia. I firmly believe that this would be neither in the interest of the Bosnian Serb party nor in the interest of peace in the region."

443. The Force Commander wrote a letter to Mladić the same day, proposing three conditions which, if accepted by the Serbs, would allow him to recommend that NATO halt its air attacks. The three conditions were:

(1) The cessation of all attacks and threats of attack by Bosnian Serb forces against the safe areas of Bihać, Goražde, Sarajevo and Tuzla;

(2) The complete withdrawal of Serb heavy weapons from the 20 km exclusion zone around Sarajevo;

(3) An immediate and complete cessation of hostilities throughout the country.

444. NATO aircraft attacked a broad range of targets associated with the Serb air defence system, as well as "substantive" targets, including ammunition storage facilities and other similar targets. In addition, the heavy guns of the rapid reaction force had engaged 19 targets, most of them Serb heavy weapon positions, from UNPROFOR positions on Mount Igman. A representative of the Bosnian Serb political leadership called UNPROFOR headquarters in Sarajevo, threatening "a massive, uncontrolled retaliation against Sarajevo". In fact, however, the Serb military response was relatively light: one NATO aircraft, a French Mirage strike aircraft, was brought down, and a small number of rounds were fired at UNPROFOR positions without inflicting casualties.

445. The United Nations Secretariat had a number of reservations about the course of action on which the peacekeeping mission had embarked. The Force Commander's letter had raised the threshold for compliance by positing requirements that Mladić might refuse to agree to under the pressure of air strikes. The United Nations may have thus committed itself to continuing air strikes until such agreement was obtained. The Secretariat was also concerned that the rapid reaction force was not only responding to attacks with counter-battery fire, but was also operating in the "offensive mode". The Secretariat urged UNPF not to go beyond a "zone of reasonableness" that was circumscribed by the mission's mandate, by the basic and indispensable impartiality of the United Nations, and by the need to continue to work with all parties to achieve a durable settlement.

J. Serb assessment of Operation Deliberate Force

446. At the same time, the Bosnian Serbs were also taking stock of their position. General Mladić made an extended statement on the operation on the evening of 30 August. He acknowledged "considerable damage" to Bosnian Serb facilities, and claimed to be "amazed that the international community is holding some sort of olive branch in one hand, offering some sort of peace option, American or other, while

they are sending their bombers to attack us or shelling us without a pause". He claimed that neither the Bosniacs nor the Croats could threaten Republika Srpska without NATO and the UNPROFOR rapid reaction force, but acknowledged that, because of the actions of NATO and the rapid reaction force, Republika Srpska had become vulnerable, particularly to attacks by the Croats. His statement was belligerent, but he added that "in spite of the horrendous bombardment by NATO, it is time to talk about peace". He also replied to the Force Commander's three proposals, but conditionally. This was not acceptable to the United Nations or to NATO.

447. The next day Mr. Karadžić wrote to the Special Representative of the Secretary-General in a similar vein. "I wish to make it perfectly plain to you that we cannot accept that NATO has involved itself in this civil war on the side of our enemies. It is now clear that the NATO air attacks have nothing whatsoever to do with the shelling of Sarajevo on Monday, which in any case was not the responsibility of the Serbs. In fact, no one is hiding the fact that the aim of the current aerial onslaught against us is to weaken our military strength in order to soften us up before the continuation of negotiations." He added that the "National Assembly of Republika Srpska" had "welcomed the United States peace initiative and expressed its readiness to conclude peace ... and, most important, on 29 August, [the Bosnian Serb side had] signed with the representatives of Serbia and the Federal Republic of Yugoslavia an agreement establishing a joint delegation in peace negotiations. From all this [it can be concluded] that, just as there was no reason for the initiation of brutal air attacks, which have so far caused untold damage, there is likewise no reason for their continuation."

K. Pause; a new peace map; opening a road into Sarajevo

448. There were no air attacks on 31 August, because of bad weather. NATO informed UNPROFOR that attacks would have been possible in poor weather, but that the rules of engagement being applied required the pilots to make visual contact with targets, in order to reduce collateral damage. A formal pause was put into effect at 0400 hours on 1 September to facilitate a meeting between the Force Commander and Mladić. After some procedural objections on the part of the latter, that meeting eventually began in Zvornik in the late afternoon of 1 September. The meeting was difficult and lasted for 13 hours. While General Mladić accepted some of the demands made by the Force Commander in his letter of 30 August, he made Bosnian Serb compliance with the other elements contingent upon conditions which in the end were not acceptable to the United Nations.

449. During the pause, the UNPROFOR Commander met with President Izetbegović, who expressed considerable optimism about Operation Deliberate Force and how it might impact upon the peace process. The President explained that, following the fall of Srebrenica and Žepa, the Bosnian Government authorities were looking favourably at the possibility of exchanging those areas with Serbs. In return for ceding Srebrenica and Žepa to the Serbs in a peace deal, the Bosnian Government authorities were looking to be ceded that part of Sarajevo which had been allocated to the Serbs under the Contact Group peace plan. President Izetbegović went on to explain that the problem in any peace settlement would be "to make reality fit in with the lines drawn on the map". He felt that Operation Deliberate Force, which was focused on Serb military assets around Sarajevo, could be useful in that regard. The UNPROFOR Commander said that any action by Bosnian Government forces in the area of NATO/rapid reaction force operations would almost certainly work to the political disadvantage of the Government. He also thought that Bosnian military operations in other areas might be "problematic". President Izetbegović accepted that reasoning as far as Sarajevo was concerned, but stated that his forces would be pursuing military objectives elsewhere, "to create facts on the ground".

450. While talks continued in Sarajevo, the UNPROFOR Commander decided to open a land route into Sarajevo for the use of local civilians. He wrote to the Bosnian Government and to the Serbs on 2 September, informing them that, as of the next day, the roads over Sarajevo airport would be opened to local civilian traffic without clearance or inspection by either side. Momčilo Krajišnik, acting on behalf of the Bosnian Serb leadership, warned of "heavy consequences" if the roads were opened without the consent of the Serbs. The UNPROFOR Commander replied that any attempt by the Serbs to interfere with movement into the city would be met with "disproportionate force". At 1500 hours on 3 September, the road from Butmir to Sarajevo was opened. Despite their threats, Serb forces did not attempt to fire at traffic across the airport. For the first time since May 1992, therefore, civilian vehicles were moving unimpeded between Sarajevo and the outside world. Local commentators noted that, with the silencing of the Serb guns and the opening of a direct land road out of the city, the three-and-a-half-year siege of Sarajevo had come to an end.

L. Resumption of air and ground attacks

451. At the meeting in Zvornik on 1 September, the Force Commander had given General Mladić the deadline of 2300 hours local time on 4 September to comply fully with the conditions laid down in his earlier letter. Upon being informed, the Secretariat noted that "compliance with these demands is a basic precondition for UNPROFOR's ability to perform its humanitarian mandate and its responsibility to deter attacks against safe areas". A letter from General Mladić, dated 4 September, seemed to indicate that his forces did not intend to comply with the United Nations terms. During a series of telephone conversations with UNPROFOR, Bosnian Serb Vice President Koljević claimed that General Mladić did not have the authority to write such a letter and that the BSA leadership had been ordered to withdraw. In view of the fact that no withdrawal was observed by 0800 hours the following morning, the Force Commander and his NATO counterpart decided to resume the air operation. Ninety NATO aircraft took part in further strikes when the operation resumed at 1305 hours.

452. The Secretariat briefed the Security Council to explain the resumption of the air and ground campaign. Despite earlier having argued that the more general use of force would require a new mandate from the Council, and that resolution 836 (1993) gave UNPROFOR a mandate to use force essentially only in self-defence, the Secretariat now took a different line reflecting the change of political will in the international community that has been manifested at, and since, the London meeting of July 1995. It said that the BSA had been given a deadline to comply with three demands, and had been warned that if it failed to do so the air operation would resume. The Secretariat emphasized that these conditions were consistent with Security Council resolution 836 (1993), and added that they were a precondition for UNPROFOR's ability to perform its humanitarian mandate and to uphold its *responsibility to deter attacks against the safe areas*. The Secretariat added that the rules of engagement being used were essentially those in effect since 1973, i.e., that force could be used in self-defence, including defence of the mandate. The Secretariat argued that the mandate included the provision of humanitarian assistance and the deterrence of attacks against the safe areas. Thus, the Secretariat concluded, any BSA weapons firing or showing signs of hostile intent were being engaged by the rapid reaction force. Not all the members of the Security Council concurred with this interpretation of the mandate, and one, in particular, formally expressed its concern to the Secretary-General in this regard.

453. Despite these statements supporting a strong line, and now conveying a much broader interpretation of resolution 836 (1993), the Secretariat took exception to a statement made at a press briefing by the UNPROFOR spokesman just before the air campaign resumed: "The aim is to cripple the BSA war machine and render its military capabilities so devalued that General Mladić is forced to negotiate". The Secretariat indicated to UNPF that it had been "frankly appalled" to read the UNPROFOR spokesman's statement, and reminded the mission that the declared aims of the air operation were to ensure the safety and security of the safe areas, notably by forcing the withdrawal of BSA heavy weaponry from around Sarajevo. The Secretariat emphasized that the United Nations had no mandate from the Security Council to cripple the BSA war machine, and would not obtain such a mandate if it sought it. There was no immediate response from Sarajevo, prompting a second message instructing the UNPROFOR spokesmen to curb their "verbal bloodlust". UNPF replied that it hoped that the Secretariat would support its objectives for the air and land operations in which it was then engaged. UNPF defined those objectives as follows:

(a) To gain Bosnian Serb acceptance of the conditions set by the Force Commander in a letter dated 3 September (cessation of attacks on safe areas, withdrawal of heavy weapons, complete freedom of movement, and the unrestricted use of Sarajevo airport);

(b) More broadly, to reduce human suffering by stopping attacks on, and threats to, safe areas;

(c) To support any peace process which might offer a resolution to the conflict.

454. A further exchange of correspondence took place when the Reuters news agency quoted the same UNPROFOR spokesman as saying: "We're into peace enforcement here. Peace enforcement is not negotiating ... We've seen that; it has failed over the years here. We are saying, 'If you do not do this, no conditions, you continue to get bombed.'" The Secretariat sought a formal explanation of these remarks. The UNPROFOR Commander did not reply immediately, though he later stated, "As a result of our enforcement action, UNPROFOR abandoned its peacekeeping mission — at least in the Sarajevo area. We remain, for the time being, in the position of combatants: coercing and enforcing our demands on the BSA". He then proposed some adjustments to the UNPROFOR rules of engagement, despite the fact that "the suggested amendments have been deemed to be incompatible with the peacekeeping nature of our mandates".

455. By 6 September, the Option 2 targets in the Sarajevo area had partly been exhausted, and NATO aircraft began to strike targets as far away as Bosanski Brod, in the far north of the country. The Secretariat expressed concern that the campaign appeared to have crossed into Option 3 action (expanded operations beyond the immediate areas under siege) without obtaining either NATO or Security Council authority for doing so. The Secretariat asked UNPF to explain how far the zone of action for Sarajevo extended, and whether, for example, NATO could justify bombing Banja Luka airfield under the current dispensation.

M. United States-led peace initiative; concerns about the mandate

456. The first public breakthrough in the peace process led by the United States came on 8 September at Geneva with the signing of a joint statement and Agreed Basic Principles by the Foreign Ministers of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. Those principles affirmed that Bosnia and Herzegovina would continue its legal existence within its present borders; that it would consist of two entities, the Federation and Republika Srpska; and that the 51:49 parameter of the territorial proposal of the Contact Group would be the basis for a settlement. President Izetbegović expressed some concern about the Principles, particularly about the fact that the name "Republika Srpska" would be recognized as the name of the Bosnian Serb entity. "It was a bitter but not poisonous pill which we had to swallow." He said that he had not been willing to enter into a dispute with the United States that might have led to an end of the NATO air action. The Bosnian Serb leadership and media was overwhelmingly positive about the Principles.

457. Operation Deliberate Force reached its climax when, during a meeting between the Force Commander and General Mladić on 10 September, 13 Tomahawk missiles were launched against elements of the Bosnian Serb air defence system in the Banja Luka region. This was followed by a strike suppressing air defence systems in the same area. This action led to a protest from the Permanent Mission of the Russian Federation. Three days later, after lengthy consultations in Belgrade, Ambassador Holbrooke and his team were able to secure a Framework for a Cessation of Hostilities within the Sarajevo Total Exclusion Zone. The Framework, which was signed by the Bosnian Serb leadership and witnessed by Serbian and Montenegrin leaders, met all of the conditions laid down by the Force Commander in his letter of 3 September, and went some way towards laying the groundwork for an overall peace agreement.

458. The Force Commander then wrote to President Milošević, stating that, after consultation with his NATO counterpart, he was in a position to inform the President that the Framework for a Cessation of Hostilities provided sufficient grounds to temporarily suspend NATO air strikes against targets in the Republika Sprksa. Offensive air operations had been suspended for 72 hours beginning at 2200 (local time), on 14 September, and if there was clear evidence of withdrawal of substantial numbers of heavy weapons beyond the limits of the Sarajevo total exclusion zone, then the suspension of offensive air operations would be extended for a further 72 hours. As Serb compliance was deemed to be satisfactory, the pause was extended, and then extended again. Operation Deliberate Force was formally brought to a close on 21 September. From its commencement on 30 August to its close, over 3,000 air sorties had been flown, and more than 60 targets had been attacked from the air.

459. With the war in Bosnia and Herzegovina apparently drawing to a close, the Secretary-General wrote a formal letter to the President of the Security Council in which he proposed an end to UNPROFOR. He wrote as follows:

> "It is ... my intention, as soon as a peace agreement is concluded, to recommend to the Security Council that it authorize an ad hoc coalition of Member States, acting as appropriate with regional organizations or arrangements, to support all aspects of implementation of the agreement, with the exception of those relating to the relief and return of refugees and displaced persons which should continue to be entrusted to the United Nations High Commissioner for Refugees.
>
> "Equally, if the current peace initiative does not succeed and more enforcement action is decided upon by the Security Council, I intend to recommend that UNPROFOR be replaced by a multinational force authorized by the Security Council to carry out such action and to assume responsibility for those aspects of UNPROFOR's existing mandate which will remain valid.
>
> "In either case urgent action would be required to prepare for an expeditious hand over by UNPROFOR to the multinational force that would be established by the Member States so authorized by the Council." (S/1995/804)

N. Croatian offensive and the end of hostilities

460. The Bosnian Serbs began to move their heavy weapons away from Sarajevo as agreed in the Framework for a Cessation of Hostilities. As agreed in discussions with the international community, the Bosnian Government did not advance into Serb-held areas around Sarajevo as the weapons were withdrawn. In the western part of the country, however, rapid advances into Serb-held territory were being made by Bosnian Government forces and, in particular, by Croatian forces. Donji Vakuf fell to Bosnian Government forces on 13 September; Croatian forces entered Jajce on the same day.

461. The United States continued its efforts to modulate the military situation on the ground. Writing after the event, Mr. Holbrooke recalled a meeting with President Tudjman of Croatia on 17 September:

> "I told Tudjman that the [Croatian] offensive had great value to the negotiations. It would be much easier to retain at the table what had been won on the battlefield than to get the Serbs to give up territory they had controlled for several years. I urged Tudjman to take Sanski Most, Prijedor, and Bosanski Novi — all important towns that had become worldwide symbols of ethnic cleansing. If they were captured before we opened negotiations on territory, they would remain under Federation control — otherwise it would be difficult to regain them in negotiations.
>
> "Banja Luka, I said, was a different matter. As we spoke the road to this largest Bosnian Serb city appeared to lie open to the Croatian offensive, although it was not at all certain whether the city could be taken. We knew that [Croatian Defence Minister] Susak wanted to go for it as quickly as possible. On the other hand, I told Tudjman, the city was unquestionably within the Serb portion of Bosnia. Even if it were captured, the Federation would have to return it to the Serbs in any peace negotiation. Finally, capturing Banja Luka would generate over 200,000 additional refugees. I did not think that the United States should encourage an action that would create so many more refugees. I concluded my comments with a blunt statement: 'Mr. President, I urge you to go as far as you can, but not to take Banja Luka.'"[31]

462. Until the end of July, the Bosnian Serbs had controlled approximately 70 per cent of the territory of Bosnia and Herzegovina. By 22 September, UNPROFOR assessed that the Serbs controlled approximately 49 per cent of the country, while the Federation partners controlled approximately 51 per cent between them (approximately 30 per cent for the Bosniacs and 21 per cent for the Croats). The map of the battlefield broadly resembled the territorial arrangements being proposed by the United States team.

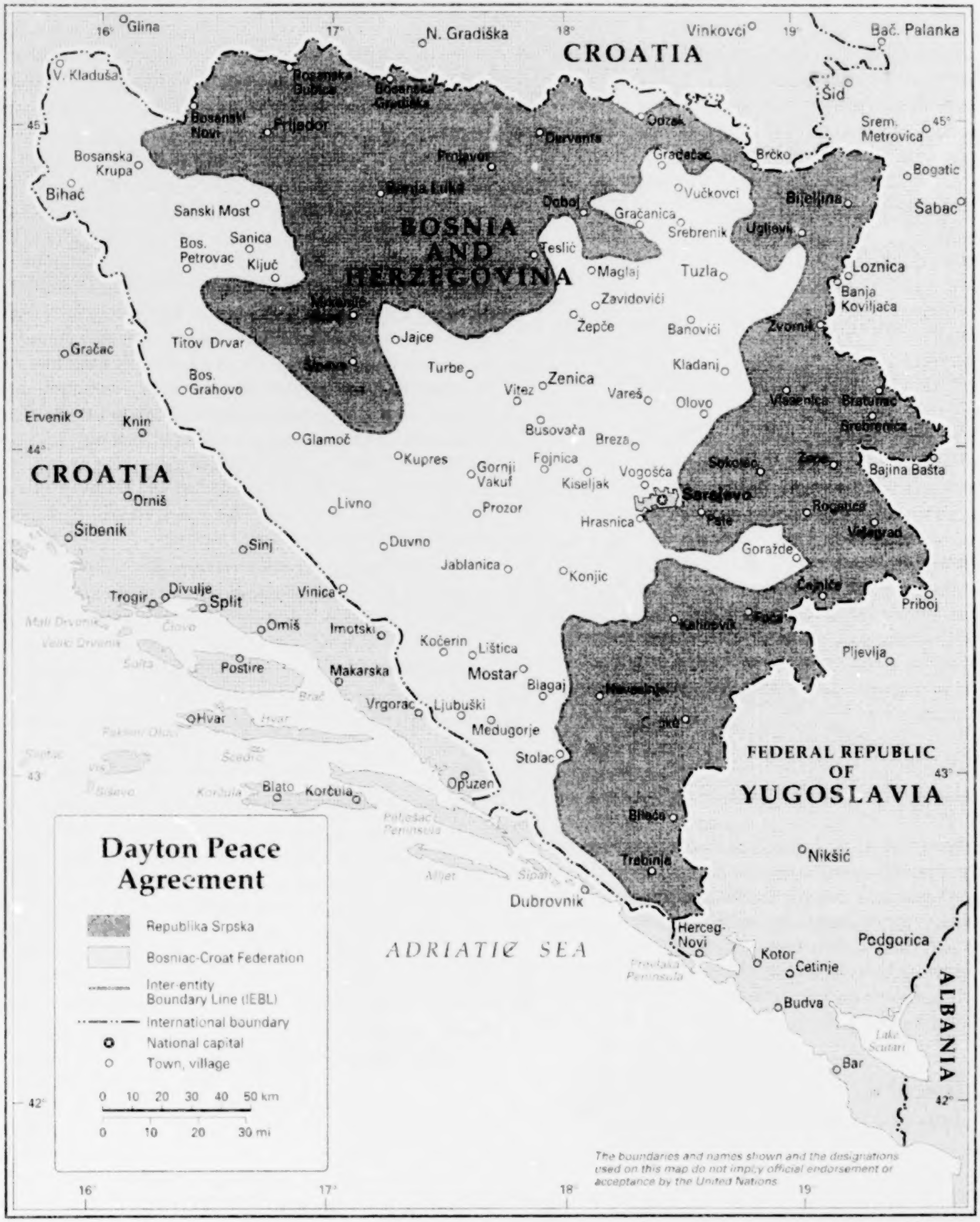
463. Approximately 90,000 Serbs, mainly from western Bosnia, were displaced in this final phase of the war. Also displaced were 25,000 Bosniacs, most of them supporters of Fikret Abdić fleeing the advance of Bosnian Government forces in the Bihać enclave. In the shadow of this military situation, the Foreign Ministers of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia agreed, on 26 September, to a set of Further Agreed Basic Principles, detailing the principles that would undergird the Bosnia and Herzegovina Constitution to be agreed as part of a peace settlement. President Izetbegović gave some support to those Principles, and Mr. Karadžić issued a statement informing the people of Republika Srpska that, on the basis of the Further Agreed Basic Principles, "a political solution might be found in the near future".

464. With the territorial issues largely resolved on the battlefield, the United States negotiators turned to the question of ending the hostilities. An agreement was signed by President Izetbegović, Mr. Karadžić, Mr. Krajišnik and General Mladić on 5 October, and was to come into effect at 0001 hours on 10 October, "provided that at that time full gas and electrical utility service shall have been restored in the city of Sarajevo". The five-day delay, and the proviso about the utilities for Sarajevo, gave the Bosnian Government and Croatian forces some time during which to capture the territory referred to by Mr. Holbrooke in his meeting with President Tudjman. As the deadline of 10 October approached, Bosnian Government forces were poised to take Sanski Most, while Croatian forces were preparing to enter Mrkonjić Grad, to the south-west of Banja Luka. In an effort to gain time with which to secure Sanski Most and to move on to Prijedor, the Bosnian Government negotiator, Mr. Muratović, noted that full utility service had not yet been fully restored to Sarajevo by the original deadline. A delay was secured in this way, during which the ARBiH was able to capture Sanski Most and the Croatians were able to secure Mrkonjić Grad and move further north. (In taking these last areas, the Federation partners controlled approximately 52 per cent of the territory of Bosnia and Herzegovina.) The Bosnian Government concluded, however, that its forces would not be able to take Prijedor in the immediate future. With the concurrence of both parties, therefore, the agreement entered into force at 0001 hours on 12 October, ending the three-and-a-half year war.

X. Peacekeeping and the Peace Agreement: October-December 1995

465. During the period from 11 October to 15 December 1995, UNPROFOR monitored the ceasefire and took steps progressively to disengage the belligerents. There were no significant violations of the ceasefire, and a degree of stability returned to the country. UNPROFOR was able to mark the confrontation lines and to monitor them, to establish consultative mechanisms with the parties to prevent the escalation of local incidents, and to put in place other stabilization measures. The delivery of humanitarian assistance proceeded almost without hindrance for the first time since the opening of hostilities in 1992. Freedom of movement for the international community expanded dramatically. Freedom of movement for Bosnians also improved, particularly in the Sarajevo area. For the first time since it had been deployed in 1992, UNPROFOR was able to operate as a peacekeeping force.

466. Peace talks began at the Wright-Patterson Air Force Base in Dayton, Ohio, on 1 November 1995. The negotiations were led by the United States, though representatives of other members of the Contact Group were also involved, as were representatives of the European Union. The United Nations played no significant part in the process, though representatives were present as part of parallel negotiations on Eastern Slavonia, in Croatia. The Dayton negotiations were brought to a successful conclusion on 21 November when representatives of five parties — the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina and the Bosnian Serbs — initialled a General Framework Agreement for Peace in Bosnia and Herzegovina and 11 annexes. The initialled agreement was then formally signed in Paris on 14 December 1995. (See the map at the end of this chapter.) By its resolution 1031 (1995) of 15 December 1995, the Security Council welcomed and supported the agreement. A transfer of authority to a NATO-led implementation force (IFOR) ended UNPROFOR's role in Bosnia and Herzegovina.



Dayton Peace Agreement

CROATIA
BOSNIA AND HERZEGOVINA
FEDERAL REPUBLIC OF YUGOSLAVIA
ALBANIA
ADRIATIC SEA
Glina
V. Kladuša
Bosanska Dubica
Bosanska Gradiška
N. Gradiška
Vinkovci
Bač. Palanka
Šid
Srem. Metrovica
Bosanski Novi
Prijedor
Derventa
Odžak
Bosanska Krupa
Bihać
Prnjavor
Gradačac
Brčko
Bogatić
Banja Luka
Vučkovci
Bijeljina
Šabac
Sanski Most
Doboj
Gračanica
Srebrenik
Ugljevik
Bos. Petrovac
Sanica
Ključ
Teslić
Maglaj
Tuzla
Loznica
Banja Koviljača
Mrkonjić Grad
Zavidovići
Žepče
Banovići
Zvornik
Titov Drvar
Jajce
Gračac
Šipovo
Turbe
Kladanj
Bos. Grahovo
Vitez
Zenica
Vareš
Olovo
Vlasenica
Bratunac
Ervenik
Knin
Busovača
Breza
Srebrenica
Glamoč
Kupres
Gornji Vakuf
Fojnica
Kiseljak
Vogošća
Sokolac
Žepa
Bajina Bašta
Drniš
Livno
Prozor
Sarajevo
Hrasnica
Pale
Rogatica
Višegrad
Šibenik
Sinj
Duvno
Goražde
Jablanica
Konjic
Čajniče
Priboj
Trogir
Divulje
Split
Vinica
Mali Drvenik
Veliki Drvenik
Čiovo
Šolta
Omiš
Imotski
Kočerin
Lištica
Kalinovik
Foča
Pljevlja
Postire
Makarska
Mostar
Blagaj
Brač
Vrgorac
Ljubuški
Nevesinje
Hvar
Međugorje
Gacko
Pakleni Otoci
Šćedro
Stolac
Vis
Biševo
Korčula
Blato
Opuzen
Pelješac Peninsula
Bileća
Nikšić
Trebinje
Mljet
Šipan
Dubrovnik
Herceg-Novi
Podgorica
Kotor
Cetinje
Prevlaka Peninsula
Budva
Lake Scutari
Bar
16°
17°
18°
19°
45°
44°
43°
42°
Republika Srpska
Bosniac-Croat Federation
Inter-entity Boundary Line (IEBL)
International boundary
National capital
Town, village
0 10 20 30 40 50 km
0 10 20 30 mi

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map No. 4126 UNITED NATIONS
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Cartographic Section

XI. The fall of Srebrenica: an assessment

467. The tragedy that occurred after the fall of Srebrenica is shocking for two reasons. It is shocking, first and foremost, for the magnitude of the crimes committed. Not since the horrors of the Second World War had Europe witnessed massacres on this scale. The mortal remains of close to 2,500 men and boys have been found on the surface, in mass graves and in secondary burial sites. Several thousand more men are still missing, and there is every reason to believe that additional burial sites, many of which have been probed but not exhumed, will reveal the bodies of thousands more men and boys. The great majority of those who were killed were not killed in combat: the exhumed bodies of the victims show that large numbers had their hands bound, or were blindfolded, or were shot in the back or the back of the head. Numerous eyewitness accounts, now well corroborated by forensic evidence, attest to scenes of mass slaughter of unarmed victims.

468. The fall of Srebrenica is also shocking because the enclave's inhabitants believed that the authority of the United Nations Security Council, the presence of UNPROFOR peacekeepers, and the might of NATO air power, would ensure their safety. Instead, the Bosnian Serb forces ignored the Security Council, pushed aside the UNPROFOR troops, and assessed correctly that air power would not be used to stop them. They overran the safe area of Srebrenica with ease, and then proceeded to depopulate the territory within 48 hours. Their leaders then engaged in high-level negotiations with representatives of the international community while their forces on the ground executed and buried thousands of men and boys within a matter of days.

469. Questions must be answered, and foremost among them are the following: how can this have been allowed to happen? and how will the United Nations ensure that no future peacekeeping operation witnesses such a calamity on its watch? In this assessment, factors ranging from the proximate to the overarching will be discussed, in order to provide the most comprehensive analysis possible of the preceding narrative.

A. Role of the United Nations Protection Force in Srebrenica

470. In the effort to assign responsibility for the appalling events that took place in Srebrenica, many observers have been quick to point to the soldiers of the UNPROFOR Netherlands battalion as the most immediate culprits. They blame them for not attempting to stop the Serb attack, and they blame them for not protecting the thousands of people who sought refuge in their compound.

471. As concerns the first criticism, the Commander of the Netherlands battalion believed that the Bosniacs could no defend Srebrenica by themselves and that his own forces could not be effective without substantial air support. Ai support was, in his view, the most effective resource at his disposal to respond to the Serb attack. Accordingly, he requested air support on a number of occasions, even afte many of his own troops had been taken hostage and faced potential Serb reprisals. Those requests were not heeded by his superiors at various levels, and some of them may no have been received at all, illustrating the command-and control problems from which UNPROFOR suffered throughout its history. However, after he had been told tha the risk of confrontation with the Serbs was to be avoided and that the execution of the mandate was secondary to the security of his personnel, the battalion withdrew from observation posts under direct attack.

472. It is true that the UNPROFOR troops in Srebrenica never fired at the attacking Serbs. They fired warning shots over the Serbs' heads and their mortars fired flares, but they never fired directly on any Serb units. Had they engaged the attacking Serbs directly it is possible that events would have unfolded differently. At the same time, it must be recognized that the 150 fighting men of Dutchbat were lightly armed and in indefensible positions, and were faced with 2,000 Serbs advancing with the support of armour and artillery.

473. As concerns the second criticism, it is easy to say with the benefit of hindsight and the knowledge of what followed that the Netherlands battalion did not do enough to protec those who sought refuge in its compound. Perhaps the soldiers should have allowed everyone into the compound and then offered themselves as human shields to protec them. This might have slowed down the Serbs and bough time for higher-level negotiations to take effect. At the same time, it is also possible that the Serb forces would then have shelled the compound, killing thousands in the process, as they had threatened to do. Ultimately, it is not possible to say with any certainty that stronger actions by Dutchba would have saved lives, and it is even possible that such efforts could have done more harm than good. Faced with this prospect and unaware that the Serbs would proceed to execute thousands of men and boys, Dutchbat avoided armed confrontation and appealed in the process for support at the highest levels.

474. It is harder to explain why the Dutchbat personnel did not report more fully the scenes that were unfolding around them following the enclave's fall. Although they did not witness mass killing, they were aware of some sinister indications. It is possible that if the members of the battalion had immediately reported in detail those sinister indications to the United Nations chain of command, the international community might have been compelled to respond more robustly and more quickly, and that some lives might have been saved. This failure of intelligence-sharing was also not limited to the fall of Srebrenica, but an endemic weakness throughout the conflict, both within the peacekeeping mission, and between the mission and Member States.

B. Role of Bosniac forces on the ground

475. Criticisms have also been levelled at the Bosniacs in Srebrenica, among them that they did not fully demilitarize and that they did not do enough to defend the enclave. To a degree, these criticisms appear to be contradictory. Concerning the first criticism, it is right to note that the Bosnian Government had entered into demilitarization agreements with the Bosnian Serbs. They did this with the encouragement of the United Nations. While it is also true that the Bosniac fighters in Srebrenica did not fully demilitarize, they did demilitarize enough for UNPROFOR to issue a press release, on 21 April 1993, saying that the process had been a success. Specific instructions from United Nations Headquarters in New York stated that UNPROFOR should not be too zealous in searching for Bosniac weapons and, later, that the Serbs should withdraw their heavy weapons before the Bosniacs gave up their weapons. The Serbs never did withdraw their heavy weapons.

476. Concerning the accusation that the Bosniacs did not do enough to defend Srebrenica, military experts consulted in connection with this report were largely in agreement that the Bosniacs could not have defended Srebrenica for long in the face of a concerted attack supported by armour and artillery. The defenders were an undisciplined, untrained, poorly armed, totally isolated force, lying prone in the crowded valley of Srebrenica. They were ill-equipped even to train themselves in the use of the few heavier weapons that had been smuggled to them by their authorities. After over three years of siege, the population was demoralized, afraid and often hungry. The only leader of stature was absent when the attack occurred. Surrounding them, controlling all the high ground, handsomely equipped with the heavy weapons and logistical train of the Yugoslav army, were the Bosnian Serbs. There was no contest.

477. Despite the odds against them, the Bosniacs requested UNPROFOR to return to them the weapons they had surrendered under the demilitarization agreements of 1993. They requested those weapons at the beginning of the Serb offensive, but the request was rejected by UNPROFOR because, as one commander explained, "it was our responsibility to defend the enclave, not theirs". Given the limited number and poor quality of the Bosniac weapons held by UNPROFOR, it seems unlikely that releasing those weapons to the Bosniacs would have made a significant difference to the outcome of the battle; but the Bosniacs were under attack at that time, they wanted to resist with whatever means they could muster, and UNPROFOR denied them access to some of their own weapons. With the benefit of hindsight, this decision seems to have been particularly ill-advised, given UNPROFOR's own unwillingness consistently to advocate force as a means of deterring attacks on the enclave.

478. Many have accused the Bosniac forces of withdrawing from the enclave as the Serb forces advanced on the day of its fall. However, it must be remembered that on the eve of the final Serb assault the Dutchbat Commander urged the Bosniacs to withdraw from defensive positions south of Srebrenica town — the direction from which the Serbs were advancing. He did so because he believed that NATO aircraft would soon be launching widespread air strikes against the advancing Serbs.

479. A third accusation levelled at the Bosniac defenders of Srebrenica is that they provoked the Serb offensive by attacking out of that safe area. Even though this accusation is often repeated by international sources, there is no credible evidence to support it. Dutchbat personnel on the ground at the time assessed that the few "raids" the Bosniacs mounted out of Srebrenica were of little or no military significance. These raids were often organized in order to gather food, as the Serbs had refused access for humanitarian convoys into the enclave. Even Serb sources approached in the context of this report acknowledged that the Bosniac forces in Srebrenica posed no significant military threat to them. The biggest attack the Bosniacs launched out of Srebrenica during the more than two years during which it was designated a safe area appears to have been the raid on the village of Višnjica, on 26 June 1995, in which several houses were burned, up to four Serbs were killed and approximately 100 sheep were stolen. In contrast, the Serbs overran the enclave two weeks later, driving tens of thousands from their homes, and summarily executing thousands of men and boys. The Serbs repeatedly

exaggerated the extent of the raids out of Srebrenica as a pretext for the prosecution of a central war aim: to create a geographically contiguous and ethnically pure territory along the Drina, while freeing their troops to fight in other parts of the country. The extent to which this pretext was accepted at face value by international actors and observers reflected the prism of "moral equivalency" through which the conflict in Bosnia was viewed by too many for too long.

C. Role of air power

480. The next question that must be asked is this: why was NATO air power not brought to bear upon the Bosnian Serbs before they entered the town of Srebrenica? Even in the most restrictive interpretation of the mandate the use of close air support against attacking Serb targets was clearly warranted. The Serbs were firing directly at Dutchbat observation posts with tank rounds as early as five days before the enclave fell.

481. Some have alleged that NATO air power was not authorized earlier, despite repeated requests from the Dutchbat Commander, because the Force Commander or someone else had renounced its use against the Serbs in return for the release of United Nations personnel taken hostage in May-June 1995. Nothing found in the course of the preparation of this report supports such a view.

482. What is clear is that my predecessor, his senior advisers (among whom I was included as Under-Secretary-General for Peacekeeping Operations), his Special Representative and the Force Commander were all deeply reluctant to use air power against the Serbs for four main reasons. We believed that by using air power against the Serbs we would be perceived as having entered the war against them, something not authorized by the Security Council and potentially fatal for a peacekeeping operation. Second, we risked losing control over the process — once the key was turned we did not know if we would be able to turn it back, with grave consequences for the safety of the troops entrusted to us by Member States. Third, we believed that the use of air power would disrupt the primary mission of UNPROFOR as we then saw it: the creation of an environment in which humanitarian aid could be delivered to the civilian population of the country. Fourth, we feared Serb reprisals against our peacekeepers. Member States had placed thousands of their troops under United Nations command. We, and many of the troop-contributing countries, considered the security of those troops to be of fundamental importance in the implementation of the mandate. That there was merit in our concerns was evidenced by the hostage crisis of May-June 1995.

483. At the same time, we were fully aware that the threat of NATO air power was all we had at our disposal to respond to an attack on the safe areas. The lightly armed forces in the enclaves would be no match for (and were not intended to resist) a Serb attack supported by infantry and armour. It was thus incumbent upon us, our concerns notwithstanding, to make full use of the air power deterrent, as we had done with some effect in response to Serb attacks upon Sarajevo and Gorazde in February and April 1994, respectively. For the reasons mentioned above, we did not use with full effectiveness this one instrument at our disposal to make the safe areas at least a little bit safer. We were, with hindsight, wrong to declare repeatedly and publicly that we did not want to use air power against the Serbs except as a last resort, and to accept the shelling of the safe areas as a daily occurrence. We believed there was no choice under the Security Council resolutions but to deploy more and more peacekeepers into harm's way. The Serbs knew this, and they timed their attack on Srebrenica well. The UNPROFOR Commander in Sarajevo at the time noted that the reluctance of his superiors and of key troop contributors to "escalate the use of force" in the wake of the hostage crisis would create the conditions in which we would then always be "stared down by the Serbs".

D. Unanswered questions

484. The above assessment leaves unanswered a number of questions often asked about the fall of Srebrenica and the failure of the safe area regime. Two of these questions, in particular, are matters of public controversy and need to be addressed, even if no definitive answer can be provided.

485. The first question concerns the possibility that the Bosnian Government and the Bosnian Serb party, possibly with the knowledge of one or more Contact Group States, had an understanding that Srebrenica would not be vigorously defended by the Bosniacs in return for an undertaking by the Serbs not to vigorously defend territory around Sarajevo. However, the Bosniacs tried to break out of Sarajevo and were repulsed by the Serbs before the Serbs attacked Srebrenica. This would appear to remove any incentive the Bosniac authorities might have had to let the Serbs take Srebrenica. There is no doubt that the capture of Srebrenica and Žepa by the Serbs made it easier for the Bosniacs and Serbs to agree on the territorial basis of a peace settlement: the Serbs, who believed that they needed to control the border with Serbia for strategic reasons, had the territory they wanted and would not trade it back; the Bosniacs, who believed that they needed to control Sarajevo

and its approaches, were able to demand this in exchange for Srebrenica and Žepa. The fact that the result of the tragedy in Srebrenica contributed in some ways to the conclusion of a peace agreement — by galvanizing the will of the international community, by distracting the Serbs from the coming Croatian attack, by reducing the vulnerability of UNPROFOR personnel to hostage-taking, and by making certain territorial questions easier for the parties to resolve — is not evidence of a conspiracy. It is a tragic irony. No evidence reviewed in the process of assembling this report suggests that any party, Bosnian or international, engineered or acquiesced in the fall of Srebrenica, other than those who ordered and carried out the attack on it. My personal belief is that human and institutional failings, at many levels, rather than wilful conspiracy, account for why the Serbs were not prevented from overrunning the safe area of Srebrenica.

486. A second question concerns the possibility that the United Nations, or one or more of its Member States, had intelligence indicating that a Serb attack on Srebrenica was being prepared. I can confirm that the United Nations, which relied on Member States for such intelligence, had no advance knowledge of the Serb offensive. Indeed, the absence of an intelligence-gathering capacity, coupled with the reluctance of Member States to share sensitive information with an organization as open, and from their perspective, as "insecure" as the United Nations, is one of the major operational constraints under which we labour in all our missions. As to whether any intelligence was available to Member States, I have no means of ascertaining this; in any case none was passed on to the United Nations by those Member States that might have been in a position to assist.

487. Had the United Nations been provided with intelligence that revealed the enormity of the Bosnian Serbs' goals, it is possible, though by no means certain, that the tragedy of Srebrenica might have been averted. But no such excuse can explain our failure in Žepa: before they began their advance into Žepa, the Serbs made a public announcement regarding their plans. Žepa was not overrun because of a lack of intelligence, but because the international community lacked the capacity to do anything other than to accept its fall as a fait accompli.

E. Role of the Security Council and Member States

488. With the benefit of hindsight, one can see that many of the errors the United Nations made flowed from a single and no doubt well-intentioned effort: we tried to keep the peace and apply the rules of peacekeeping when there was no peace to keep. Knowing that any other course of action would jeopardize the lives of the troops, we tried to create — or imagine — an environment in which the tenets of peacekeeping — agreement between the parties, deployment by consent, and impartiality — could be upheld. We tried to stabilize the situation on the ground through ceasefire agreements, which brought us close to the Serbs, who controlled the larger proportion of the land. We tried to eschew the use of force except in self-defence, which brought us into conflict with the defenders of the safe areas, whose safety depended on our use of force.

489. In spite of the untenability of its position, UNPROFOR was able to assist in the humanitarian process, and to mitigate some — but, as Srebrenica tragically underscored, by no means all — the suffering inflicted by the war. There are people alive in Bosnia today who would not be alive had UNPROFOR not been deployed. To this extent, it can be said that the 117 young men who lost their lives in the service of UNPROFOR's mission in Bosnia and Herzegovina did not die in vain. Their sacrifice and the good work of many others, however, cannot fully redeem a policy that was, at best, a half-measure.

490. The community of nations decided to respond to the war in Bosnia and Herzegovina with an arms embargo, with humanitarian aid and with the deployment of a peacekeeping force. It must be clearly stated that these measures were poor substitutes for more decisive and forceful action to prevent the unfolding horror. The arms embargo did little more than freeze in place the military balance within the former Yugoslavia. It left the Serbs in a position of overwhelming military dominance and effectively deprived the Republic of Bosnia and Herzegovina of its right, under the Charter of the United Nations, to self-defence. It was not necessarily a mistake to impose an arms embargo, which after all had been done when Bosnia and Herzegovina was not yet a State Member of the United Nations. Once that was done, however, there must surely have been some attendant duty to protect Bosnia and Herzegovina, after it became a Member State, from the tragedy that then befell it. Even as the Serb attacks on and strangulation of the "safe areas" continued in 1993 and 1994, all widely covered by the media and, presumably, by diplomatic and intelligence reports to their respective Governments, the approach of the members of the Security Council remained largely constant. The international community still could not find the political will to confront the menace defying it.

491. Nor was the provision of humanitarian aid a sufficient response to "ethnic cleansing" and to an attempted genocide.

The provision of food and shelter to people who have neither is wholly admirable, and we must all recognize the extraordinary work done by UNHCR and its partners in circumstances of extreme adversity, but the provision of humanitarian assistance could never have been a solution to the problem in that country. The problem, which cried out for a political/military solution, was that a State Member of the United Nations, left largely defenceless as a result of an arms embargo imposed upon it by the United Nations, was being dismembered by forces committed to its destruction. This was not a problem with a humanitarian solution.

492. Nor was the deployment of a peacekeeping force a coherent response to this problem. My predecessor openly told the Security Council that a United Nations peacekeeping force could not bring peace to Bosnia and Herzegovina. He said it often and he said it loudly, fearing that peacekeeping techniques would inevitably fail in a situation of war. None of the conditions for the deployment of peacekeepers had been met: there was no peace agreement — not even a functioning ceasefire — there was no clear will to peace and there was no clear consent by the belligerents. Nevertheless, *faute de mieux*, the Security Council decided that a United Nations peacekeeping force would be deployed. Lightly armed, highly visible in their white vehicles, scattered across the country in numerous indefensible observation posts, they were able to confirm the obvious: there was no peace to keep.

493. In so doing, the Security Council obviously expected that the "warring parties" on the ground would respect the authority of the United Nations and would not obstruct or attack its humanitarian operations. It soon became apparent that, with the end of the cold war and the ascendancy of irregular forces — controlled or uncontrolled — the old rules of the game no longer held. Nor was it sufficiently appreciated that a systematic and ruthless campaign such as the one conducted by the Serbs would view a United Nations humanitarian operation, not as an obstacle, but as an instrument of its aims. In such an event, it is clear that the ability to adapt mandates to the reality on the ground is of critical importance to ensuring that the appropriate force under the appropriate structure is deployed. None of that flexibility was present in the management of UNPROFOR.

F. Failure to fully comprehend the Serb war aims

494. Even before the attack on Srebrenica began, it was clear to the Secretariat and Member States alike that the safe areas were not truly "safe". There was neither the will to use decisive air power against Serb attacks on the safe areas, nc
the means on the ground to repulse them. In report afte
report the Secretariat accordingly and rightly pointed ou
these conceptual flaws in the safe area policy. We propose
changes: delineating the safe areas either by agreemen
between the parties or with a mandate from the Securit
Council; demilitarizing the safe areas; negotiating fu
freedom of movement. We also stressed the need to protec
people rather than territory. In fact, however, these proposa
were themselves inadequate. Two of the safe areas —
Srebrenica and Žepa — were delineated from the beginnin
and they were cited in our reports as relatively mor
successful examples of how the safe area concept coul
work. The same two safe areas were also demilitarized to
far greater extent than any of the others, though the
demilitarization was by no means complete. In the enc
however, the partial demilitarization of the enclaves did nc
enhance their security. On the contrary, it only made ther
easier targets for the Serbs.

495. Nonetheless, the key issue — politically, strategicall
and morally — underlying the security of the "safe areas
was the essential nature of "ethnic cleansing". As part of th
larger ambition for a "Greater Serbia", the Bosnian Serbs s
out to occupy the territory of the enclaves; they wanted th
territory for themselves. The civilian inhabitants of th
enclaves were not the incidental victims of the attacker
their death or removal was the very purpose of the attack
upon them. The tactic of employing savage terror, primaril
mass killings, rapes and brutalization of civilians, to exp
populations was used to the greatest extent in Bosnia an
Herzegovina, where it acquired the now infamou
euphemism of "ethnic cleansing". The Bosnian Muslir
civilian population thus became the principal victim c
brutally aggressive military and paramilitary Serb operation
to depopulate coveted territories in order to allow them t
be repopulated by Serbs.

496. The failure to fully comprehend the extent of the Ser
war aims may explain in part why the Secretariat and th
peacekeeping mission did not react more quickly an
decisively when the Serbs initiated their attack o
Srebrenica. In fact, rather than attempting to mobilize th
international community to support the enclave's defenc
we gave the Security Council the impression that th
situation was under control, and many of us believed that t
be the case. The day before Srebrenica fell we reported tha
the Serbs were not attacking when they were. We reporte
that the Bosniacs had fired on an UNPROFOR blockin
position when it was the Serbs. We failed to mention urger
requests for air power. In some instances in whic
incomplete and inaccurate information was given to th

Council, this can be attributed to problems with reporting from the field. In other instances, however, the reporting may have been illustrative of a more general tendency to assume that the parties were equally responsible for the transgressions that occurred. It is not clear, in any event, that the provision of more fully accurate information to the Council — many of whose members had independent sources of information on the ongoing events — would have led to appreciably different results.

497. In the end, these Bosnian Serb war aims were ultimately repulsed on the battlefield, and not at the negotiating table. Yet the Secretariat had convinced itself early on that the broader use of force by the international community was beyond our mandate and anyway undesirable. In a report to the Security Council the Secretary-General spoke against a "culture of death", arguing that peace should be pursued only through non-military methods. When, in June 1995, the international community provided UNPROFOR with a heavily armed rapid reaction force, we argued against using it robustly to implement our mandate. When decisive action was finally taken by UNPROFOR in August and September 1995, it helped to bring the war to a conclusion.

G. Lessons for the future

498. The fall of Srebrenica is replete with lessons for this Organization and its Member States — lessons that must be learned if we are to expect the peoples of the world to place their faith in the United Nations. There are occasions when Member States cannot achieve consensus on a particular response to active military conflicts, or do not have the will to pursue what many might consider to be an appropriate course of action. The first of the general lessons is that when peacekeeping operations are used as a substitute for such political consensus they are likely to fail. There is a role for peacekeeping — a proud role in a world still riven by conflict — and there is even a role for protected zones and safe havens in certain situations; but peacekeeping and war fighting are distinct activities which should not be mixed. Peacekeepers must never again be deployed into an environment in which there is no ceasefire or peace agreement. Peacekeepers must never again be told that they must use their peacekeeping tools — lightly armed soldiers in scattered positions — to impose the ill-defined wishes of the international community on one or another of the belligerents by military means. If the necessary resources are not provided — and the necessary political, military and moral judgements are not made — the job simply cannot be done.

499. Protected zones and safe areas can have a role in protecting civilians in armed conflict, but it is clear that either they must be demilitarized and established by the agreement of the belligerents, as in the case of the "protected zones" and "safe havens" recognized by international humanitarian law, or they must be truly safe areas, fully defended by a credible military deterrent. The two concepts are absolutely distinct and must not be confused. It is tempting for critics to blame the UNPROFOR units in Srebrenica for its fall, or to blame the United Nations hierarchy above those units. Certainly, errors of judgement were made — errors rooted in a philosophy of impartiality and non-violence wholly unsuited to the conflict in Bosnia — but this must not divert us from the more fundamental mistakes. The safe areas were established by the Security Council without the consent of the parties and without the provision of any credible military deterrent. They were neither protected areas nor safe havens in the sense of international humanitarian law, nor safe areas in any militarily meaningful sense. Several representatives on the Council, as well as the Secretariat, noted this problem at the time, warning that, in failing to provide a credible military deterrent, the safe area policy would be gravely damaging to the Council's reputation and, indeed, to the United Nations as a whole.

500. The approach by the United Nations Secretariat, the Security Council, the Contact Group and other involved Governments to the war in Bosnia and Herzegovina had certain consequences at both the political and the military level. At the political level, it entailed continuing negotiations with the architects of the Serb policies, principally, Mr. Milošević and Mr. Karadžić. At the military level, it resulted in a process of negotiation with and reliance upon General Mladić, whose implacable commitment to clear eastern Bosnia — and Sarajevo if possible — of Bosniacs was plainly obvious and led inexorably to Srebrenica. At various points during the war, those negotiations amounted to appeasement.

501. The international community as a whole must accept its share of responsibility for allowing this tragic course of events by its prolonged refusal to use force in the early stages of the war. This responsibility is shared by the Security Council, the Contact Group and other Governments which contributed to the delay in the use of force, as well as by the United Nations Secretariat and the mission in the field. Clearly the primary and most direct responsibility lies however with the architects and implementers of the attempted genocide in Bosnia. Radovan Karadžić and Ratko

Mladić, together with their major collaborators, have been indicted by the International Tribunal for the Former Yugoslavia. To this day, they remain free men. They must be made to answer for the barbaric crimes with which they have been charged.

502. The cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion. In the Balkans, in this decade, this lesson has had to be learned not once, but twice. In both instances, in Bosnia and in Kosovo, the international community tried to reach a negotiated settlement with an unscrupulous and murderous regime. In both instances it required the use of force to bring a halt to the planned and systematic killing and expulsion of civilians.

503. The United Nations experience in Bosnia was one of the most difficult and painful in our history. It is with the deepest regret and remorse that we have reviewed our own actions and decisions in the face of the assault on Srebrenica. Through error, misjudgement and an inability to recognize the scope of the evil confronting us, we failed to do our part to help save the people of Srebrenica from the Serb campaign of mass murder. No one regrets more than we the opportunities for achieving peace and justice that were missed. No one laments more than we the failure of the international community to take decisive action to halt the suffering and end a war that had produced so many victims. Srebrenica crystallized a truth understood only too late by the United Nations and the world at large: that Bosnia was as much a moral cause as a military conflict. The tragedy of Srebrenica will haunt our history forever.

504. In the end, the only meaningful and lasting amends we can make to the citizens of Bosnia and Herzegovina who put their faith in the international community is to do our utmost not to allow such horrors to recur. When the international community makes a solemn promise to safeguard and protect innocent civilians from massacre, then it must be willing to back its promise with the necessary means. Otherwise, it is surely better not to raise hopes and expectations in the first place, and not to impede whatever capability they may be able to muster in their own defence.

505. To ensure that we have fully learned the lessons of the tragic history detailed in this report, I wish to encourage Member States to engage in a process of reflection and analysis, focused on the key challenges the narrative uncovers. The aim of this process would be to clarify and to improve the capacity of the United Nations to respond to various forms of conflict. I have in mind addressing such issues as the gulf between mandate and means; the inadequacy of symbolic deterrence in the face of a systematic campaign of violence; the pervasive ambivalence within the United Nations regarding the role of force in the pursuit of peace; an institutional ideology of impartiality even when confronted with attempted genocide; and a range of doctrinal and institutional issues that go to the heart of the United Nations ability to keep the peace and help protect civilian populations from armed conflict. The Secretariat is ready to join in such a process.

506. The body of this report sets out in meticulous, systematic, exhaustive and ultimately harrowing detail the descent of Srebrenica into a horror without parallel in the history of Europe since the Second World War. I urge all concerned to study this report carefully, and to let the facts speak for themselves. The men who have been charged with this crime against humanity reminded the world and, in particular, the United Nations, that evil exists in the world. They taught us also that the United Nations global commitment to ending conflict does not preclude moral judgements, but makes them necessary. It is in this spirit that I submit my report on the fall of Srebrenica to the General Assembly, and to the world.

Notes

[1] Press release issued by the International Tribunal for the Former Yugoslavia (CC/PIO/026-E), The Hague, 16 November 1995.

[2] Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (London, Penguin Books, 1996), p. 79.

[3] Naser Orić, *Srebrenica Svjedoči I Optužuje: Genocid nad Bošnjacima u istočnoj Bosni (srednje Podrinje), April 1992-Septembar 1994.*

[4] Laura Silber and Allan Little, *Yugoslavia: Death of a Nation*, rev. ed. (New York, Penguin Books, 1997), p. 267.

[5] Wolfgang Biermann and Martin Vadset, eds., *UN Peacekeeping in Trouble: Lessons Learned from the Former Yugoslavia* (London, Ashgate Publishing Company, 1999), p. 134.

[6] ICRC provided the Secretariat, in the context of this report, with copies of Dr. Sammaruga's statement of 26 August 1992 to the London Conference, and its position paper of 30 October 1992 on the establishment of protected zones for endangered civilians in Bosnia and Herzegovina.

[7] Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (London, Penguin Books, 1995), p. 296.

[8] Michael Rose, *Fighting for Peace* (London, The Harvill Press, 1998), pp. 43-46.

[9] Ibid., p. 46.

[10] Ibid., pp. 47-48.

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[11] Ibid., pp. 48-49.

[12] Ibid., p. 43.

[13] Kurt Schork, "UN Commander in Bosnia Slams SC, EC", Reuters, 30 December 1993.

[14] Rose, *op. cit.*, p. 113.

[15] Ibid., pp. 125-126.

[16] Ibid., pp. 124-125.

[17] Chantal de Jonge Oudraat, *The Threat and Use of Military Force in the Former Yugoslavia*. Paper presented to the Expert Meeting organized by the Lessons Learned Unit of the Department of Peacekeeping Operations, in cooperation with the Norwegian Institute of International Affairs and the Armed Forces International Centre, Norway (Oslo, 15-17 April 1999).

[18] Rose, *op. cit.*, p. 118.

[19] Ibid., p. 249.

[20] *The Blue Helmets: A Review of United Nations Peacekeeping* (United Nations publication, Sales No. E.96.I.14), p. 536.

[21] Rose, *op. cit.*, p. 241.

[22] Stephen Kinzer, "France held secret talks with Serbs", *The New York Times*, 23 June 1995.

[23] Mark Cutts, "The humanitarian operation in Bosnia, 1992-95: Dilemmas of negotiating humanitarian access", UNHCR New Issues in Refugees Research Series, Working Paper No. 8 (Geneva, 1999), p. 11.

[24] "US Criticizes UN Aide", *The New York Times*, 23 June 1995.

[25] Stephen Kinzer, "Bosnian Muslim troops evade UN force to raid Serb village", *The New York Times*, 27 June 1995.

[26] Honig and Both, *op. cit.*, p. 173.

[27] Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London, Weidenfeld and Nicolson, 1998), p. 61.

[28] Ibid., p. 64.

[29] Agence France Presse, report of 17 July 1995, citing *Algemeen Dagblad*.

[30] ICRC Fact Sheet dated 31 July 1995.

[31] Richard Holbrooke, *To End a War* (New York, Random House, 1998), p. 160.

Annex I

Senior United Nations personnel in the former Yugoslavia referred to in the report by their titles

Special Representatives of the Secretary-General for the former Yugoslavia and Heads of Mission

Thorvald Stoltenberg (Norway)[a]	May-December 1993
Yasushi Akashi (Japan)	January 1994-October 1995

Military Commanders of United Nations forces in the former Yugoslavia, headquartered in Zagreb (Force Commander)

Lieutenant General Satish Nambiar (India)	March 1992-March 1993
Lieutenant General Lars-Eric Wahlgren (Sweden)	March-June 1993
Lieutenant General Jean Cot (France)	June 1993-March 1994
Lieutenant General Bertrand de Lapresle (France)	March 1994-February 1995
Lieutenant General Bernard Janvier (France)[b]	March 1995-January 1996

Military Commanders of United Nations forces in Bosnia and Herzegovina (Bosnia and Herzegovina Command), headquartered in Kiseljak, 1992-1994, and in Sarajevo, 1994-1995, (UNPROFOR Commander)[c]

Lieutenant General Philippe Morillon (France)	September 1992-July 1993
Lieutenant General Francis Briquemont (Belgium)	July 1993-January 1994
Lieutenant General Michael Rose (United Kingdom)	January 1994-January 1995
Lieutenant General Rupert Smith (United Kingdom)	January-December 1995

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[a] Mr. Stoltenberg also served, on behalf of the Secretary-General, as the Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, 1993-1995.

[b] General Janvier's official title was the Theatre Force Commander of the United Nations Peace Forces in the former Yugoslavia, pursuant to the restructuring of the peacekeeping operations in March 1995.

[c] The UNPROFOR Commander reported directly to the Force Commander. Both were under the authority of the Special Representative of the Secretary-General.

Annex II

Individuals interviewed in the preparation of the report (April-October 1999)

Jean-Claude Aimé (former Chief of Staff, Executive Office of the Secretary-General)

John Almstrom (former Special Assistant to the Special Representative of the Secretary-General/UNPF)

Yasushi Akashi (former Special Representative of the Secretary-General for the former Yugoslavia)

Diego Arria (former Permanent Representative of Venezuela to the United Nations)

Ben-Jelloun Touimi Nacer (former Deputy Permanent Representative of Morocco to the United Nations)

Mats Berdal (University of Oxford)

Ilana Bet-El (former UNPROFOR Civil Affairs Officer)

Nicolaas Biegman (former Permanent Representative of the Netherlands to the United Nations)

Carl Bildt (former European Union Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia)

Anne-Willem Bijleveld (former UNHCR Special Envoy for the former Yugoslavia)

Boutros Boutros-Ghali (former Secretary-General)

Colonel Charles Brantz (former UNPROFOR acting Commander Sector North-East)

Vitaly Churkin (former Special Envoy of the Russian Federation for the former Yugoslavia)

Colonel Harm De Jonge (former UNPF Chief of Land Operations)

General Rasic Delić (Commander of the Army of Bosnia and Herzegovina)

Pascale Delpech (former interpreter for the UNPF Theatre Force Commander)

Colonel François Dureau (former Military Assistant to the UNPF Theatre Force Commander)

Major Robert Franken (former Deputy Commander of Dutchbat-3)

Louis Gentile (former UNHCR Protection Officer in Srebrenica)

Chinmaya Gharekhan (former Special Political Adviser to the Secretary-General)

Angelo Gnaedinger (Delegate General, Head of Operations for Europe, Middle East and North America, International Committee of the Red Cross)

Sir Marrack Goulding (former Under-Secretary-General for Political Affairs)

Major Jelte Groen (former Commander Dutchbat-3 B Company)

Roy Gutman (journalist, author of *Witness to Genocide*)

Sir David Hannay (former Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations)

Julian Harston (former UNPF Head of Political Unit/Office of the Special Representative of the Secretary-General)

Peggy Hicks (former UNPROFOR Human Rights Officer)

Wolfgang Ischinger (former Political Director in the German Foreign Ministry)

Alija Izetbegović (former President of the Presidency of the Republic of Bosnia and Herzegovina)

Bianca Jagger (Coalition for International Justice)

Kris Janovski (former UNHCR spokesman for Bosnia and Herzegovina)

General Bernard Janvier (former UNPF Theatre Force Commander)

Soren Jessen-Petersen (former UNHCR Head of Office in New York and former Chief of Staff for the United Nations High Commissioner for Refugees)

Major General Franklin van Kappen (former Military Adviser to the Under-Secretary-General for Peacekeeping Operations)

Colonel Thom Karremans (former Commander Dutchbat-3)

Andrei Kazakov (former UNHCR Field Officer, Srebrenica)

Albert Kersten (Research Department, Netherlands State Institute for War Documentation)

Momčilo Krajišnik (former "President of the Republika Srpska National Assembly")

Colonel Peter Leentjes (former UNPROFOR Bosnia and Herzegovina Command Assistant Chief of Staff)

Lotte Leicht (Director of the Brussels Office of Human Rights Watch)

Sakib Mahmuljin (Deputy Minister of Defence, Federation of Bosnia and Herzegovina)

Nesib Mandžić (President of the Municipal Assembly, Srebrenica)

Hakija Meholjić (former Chief of Police, Srebrenica)

Lieutenant General Manojlo Milovanović (former Chief of Staff of the Bosnian Serb Army)

Beatrice Megevand-Roggo (Head of Operations for Western Europe and North America, International Committee of the Red Cross)

Nicholas Morris (former UNHCR Special Envoy for the former Yugoslavia)

Hasan Muratović (former Prime Minister of the Republic of Bosnia and Herzegovina)

Dame Pauline Neville-Jones (former Political Director, Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland)

Major General Cees Nicolai (former UNPROFOR Chief of Staff)

Hasan Nuhanović (former Language Assistant, UNPROFOR United Nations Military Observer Team Srebrenica)

Terrence O'Brien (former Permanent Representative of New Zealand to the United Nations)

Naser Orić (former Commander of the ARBiH Twenty-eighth Division in Srebrenica)

David Lord Owen (former European Union Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia)

Erik Pierre (former Ambassador of Sweden to Bosnia and Herzegovina)

Biljana Plavsić (former "Vice President of Republika Srpska")

H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (former Political Officer in the Office of the Special Representative of the Secretary-General/UNPF)

Almir Ramić (former UNHCR Field Assistant, Srebrenica)

Bertrand Gangaspersaud Ramcharan (former Director, Steering Committee of the International Conference on the Former Yugoslavia)

S. Iqbal Riza (former Assistant Secretary-General for Peacekeeping Operations)

David Rohde (journalist, author of *Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II*)

General Sir Michael Rose (former UNPROFOR Commander, 1994)

Jean-René Ruez (International Tribunal Team Leader for Srebrenica)

Muhamed Sacirbey (Permanent Representative to the United Nations, and former Foreign Minister, Bosnia and Herzegovina)

Peter Schmitz (former Political Affairs Officer, Department of Peacekeeping Operations, with responsibility for the former Yugoslavia)

Dick Schoonoord (Research Department, Netherlands State Institute for War Documentation)

Emma Shitakha (former Political Officer in the Office of the Special Representative of the Secretary-General/UNPF)

Haris Silajdžić (former Prime Minister of Bosnia and Herzegovina)

General Sir Rupert Smith (former UNPROFOR Commander, 1995)

Michael Steiner (former German Representative on the Contact Group)

Thorvald Stoltenberg (former Special Representative of the Secretary-General for the former Yugoslavia and United Nations Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia)

Chuck Sudetic (journalist, author of *Blood and Vengeance*)

William Tall (former Head of Office, UNHCR Belgrade)

Shashi Tharoor (former Special Assistant to the Under-Secretary-General for Peacekeeping Operations and Team Leader for the former Yugoslavia)

Sergio Vieira de Mello (former UNPROFOR Head of Civil Affairs)

Thant Myint U (former UNPROFOR spokesman)

Joris Voorhoeve (former Minister of Defence of the Netherlands)

Lieutenant General Lars-Erik Wahlgren (former UNPROFOR Force Commander, 1993)

Michael Williams (former UNPROFOR Director of Information)

Jovan Zametica (former Adviser to Radovan Karadžić)

Officials of the Government of the United States of America

Meeting with the Head of the United Nations Department in the Ministry of Foreign Affairs of France, the Head of the Legal Department of the Ministry of Defence of France, and other civil servants, who provided information received from individuals identified by the Secretariat

In addition, a number of former and present residents of Srebrenica, who asked not to be identified by name.